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CHRONOLOGICAL NOTES

OF

SCOTTISH AFFAIRS,

FROM 1680 TILL 1701;

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BEING

CHIEFLY TAKEN FROM THE DIARY

OF

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LORD FOUNTAINHALL.

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EDINBURGH:

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INTRODUCTION.

THE original of the following Chronological Notes is a small duodecimo Manuscript Volume, preserved in the Advocates' Library, and commonly called Lord Fountainhall's Diary. It is superfluous to make any remarks on the life or character of that eminent lawyer and upright man, Sir John Lauder of Fountainhall, as the public have been encouraged to expect a full and authentic account of him from his heir and representative, Sir Thomas Lauder Dick. It is only necessary here to observe, that he was a constant, close, and singularly impartial observer of the remarkable events of his time; and, while his rank and character gave him access to the best information, he displayed much shrewdness in digesting it, and appears to have had the habit of

committing most remarkable particulars to writing. Besides the voluminous collection of his reported Decisions, of which two close printed folio volumes are but an imperfect extract, this learned lawyer was in the constant custom of registering in his note books the events of his time, of which the following pages form an example.

It is to be regretted, that we do not find the Diary in the condition in which it was left by Lord Fountainhall; but it appears, after his death, to have fallen into the hands of Mr Milne, writer in Edinburgh, who erased some passages, inserted others, and interpolated the whole,—sometimes with the purpose of elucidating, sometimes with that of correcting the text,—with such perverse assiduity, that, after many endeavours to that effect, it was found impossible to separate them, without destroying the sense of the whole work; so that the Editor, like Martin in the Tale of a Tub, was compelled to desist from his intended work of reformation, in consequence of the corruptions having been so closely and inseparably

interwoven with the text, that it was scarce possible to obliterate the former without destroying the latter. In general it may be observed, that Lord Fountainhall, who was created a Judge in the year succeeding the Revolution, was a sincere friend to the principles which brought about that great event, although he appears not to have been a violent party-man, either in politics or religion. Mr Milne, on the contrary, was a violent Jacobite, and most of his interpolations go to express his partial feelings in that character. The Editor has marked several of these passages by a note, where the sentiments or prejudices of Mr Milne seem peculiarly intrusive.

Of Mr Milne the Editor knows nothing, except that he seems to have followed the profession of a writer, and to have been related to Sir Robert Milne of Barnton, mentioned pp. 198 and 231, then a man of influence, and concerned with the revenues of the city of Edinburgh. The Diary seems to have fallen into Milne's hands after Lord Fountainhall's death, in 1724; and it is but fair to him to

state, that he appears to have had no purpose of passing his alterations for a part of the original text, but only that of correcting and adding to it in his own name. His remarks are sometimes both shrewd and sarcastic; and, though they may be considered as impairing the historical authenticity of the work, they rather add to than diminish its interest as a picture of the times.

About the time of the Revolution, Sir John Lauder seems to have fallen under the suspicion of the higher powers. Both his *servants* (a phrase which probably means his clerks) were arrested, and he seems to have discontinued his Diary. Nevertheless, he appears to have kept such notes as enabled him to draw up a curious account of that remarkable transaction, which is now in the Advocates' Collection, and which the Editor may one day give to the Public, unless it be presented to them by some abler hand.

ABBOTSFORD,
7th March, 1822.

CHRONOLOGICAL NOTES

OF

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CHRONOLOGICAL NOTES

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SCOTTISH AFFAIRS,

FROM 1680 TILL 1701.

THE Duke of York took leave of his brother, King Charles the Second, the 20th October, 1680, at Wowlwitch on the Tames, and after a great storm landed at Kirkcaldie the 26th ditto with his dutches. Thereafter he went to Lesly till the 29th ditto, frae thence to Halyrood House, thence went and saw Edinburgh Castle, where the great cannon, called Mouns Megg being charged, burst in her off going, which was taken as a bad omen.

Mr William Wischart, minister at Wells in Annan, turned popish.

It is observed in England, that, in the space of 20 years, the English changed oftener their religion than all Christendom had done for 1500; for they made four mutations from 1540 till 1560. King Henry

the Eighth abolished the Pope's supremecy, suppressed abbays, but retaines the bulk of the Popish religion; his son, King Edward, brings in the Protestant religion; Queen Mary throws it out, but Queen Elizabeth brings it in again.

James, brother of the Laird of Skeen, Archibald Steuart, skipper in Borrowstowness, ane Hamilton in Broxburn, and Sprewell, apothecarie in Glasgow, are apprehended. Skeen gave in a petition to the council for a reprive, which was granted to 1st December; but having repented thereof, he, Potter, and Steuart were all three hanged at Edinburgh Cross, 1st December, 1680; Skeen being all cloathed in white linnen to his very shoes and stockings, in affectation of innocence.* Mr John Lauder, younger of Fountainhall, went and conversed them in prison the day before their death; but they were so begotted, that he

* His examination and last speech may be found in the Cloud of Witnesses, and in most other accounts of the Cameronian Martyrology. Fountainhall, in the next passage, speaks of his own communication with those fanatical but ill-used persons. Mr Wodrow has very well observed on the declaration of this gentleman, Skeen, "His examination, letters, and testimony are lately published in the Cloud of Witnesses; and some of his ways of expressing himself, as to those heads he was lately acquainted with, in his fervent zeal, are so liable to exception, that the collectors of that book find it proper to caution their readers with some marginal notes, for clearing the sense in which they would have been taken."—Vide Wodrow's *History of the Suffering of the Church of Scotland, from the Restoration to the Revolution. Edinburgh, 1722, fol.*

could not gett them convinced of their follys, but were all for cutting off the king.

Mr James Lundie, one of the ministers of Edinburgh, left Edinburgh and went to Dalkeith on a call, leaving a greater for a less stipend. It was thought because Paterson, the Bishop of Edinburgh,* tooK umbrage at his freedom of speech in the pulpit anent the government.

November, 1680.

About the 12th December, 1680, and sundry dayes thereafter, was seen at Edinburgh and many other places, a large comet. It arose in the west, and moved northward; it had a prodigious long tail, greater than any that had been observed for many hundred years. Some called it that matter that goes under the name of Trabs or Columnæ.

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* John Paterson was translated from the bishopric of Galloway to that of Edinburgh, in 1679, by the predominant interest of the Duchess of Lauderdale. In 1687 he was re-translated to the arch-episcopal see of Glasgow, of which he was deprived by the Revolution. He died at Edinburgh, 8th December, 1708. *Keith's Catalogue.*—The presbyterian lampoons upbraid him as a profligate and loose liver. See the Answer to Presbyterian Eloquence, where there is much ribaldry on this subject. He is said to have kissed his band-strings in the pulpit, in the midst of an eloquent discourse, which was the signal agreed upon betwixt him and a lady to whom he was a suitor, to show he could think upon her charms even whilst engaged in the most solemn duties of his profession. Hence he was nick-named Bishop Bandstrings.

York Duke, in the bill of exclusion against him, there were 30 peers for it, and about 63 against. There were none of the bishops for it but three, viz. Compton, Bishop of London, Pearson, Bishop of Chester, and Thomas Lamphlugh, Bishop of Exeter. They were only three of the House of Commons, viz. Mr Seymor, late speaker, Lawrance Hyd, the duke's orother-in-law, Sir Lionell Jinkens; some affirm there were many more of the Commons against the bill.

Earl of Aboyne died in December 1680; he was of great natural parts, a good poet, was popish, but made a faint profession of protestanism. The Pope burnt at Blackfryer Wind head, 25th December, 1681, by the colliginers of Edinburgh Colledge.*

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* Wodrow gives the following account of this matter:—"In the beginning of this year, the Council were much taken up in prosecuting some boys in the College of *Edinburgh*, for their burning of the pope, on the 25th *December*, 1680. This the Duke of York could not bear, and a great enquiry was made about it. The matter of fact, as far as I can gather it from the missive letters writ at this time, was thus: Some of the students that day brought up to the head of the *Cowgate*, the effigies of the Pope in his robes, with his keys, mitre, and triple crown; and after they had excommunicated him, they carried him about in a chair, of the same form with that wherein he is elected at Rome, to the foot of Black-Friars Wynd. The boys knowing the thing had taken air, and the soldiers and guards were ready to oppose them in the high town, gave it out they were to carry his holiness in procession to the Grass-Market, the place of execution of criminals; upon which the guards, little expecting such a trick, went all down towards the Grass-Market. Meanwhile,

Mr John Welsh dyed at London, January 1681; he was not so gross as whollie to disown the King, as the Cameronians did. His grandfather, Mr John Welsh, was a great enemy to the bishops, and he died in France, temp. King James 6th.

Sir James Dick, Provost of Edinburgh, his house of Priestfield was burnt about eight at night, 11th January, 1681, by the colliginers, others said by himself, [which wes false,] yet the Colledge gates were shut up, and the boyes banished 15 miles from Edinburgh. Some alledge the interdict upon the Colledge was contrived by the Bishop of Edinburgh, Paterson, to gett out Mr Andrew Cant from being Principal, and his brother, Mr Robert Paterson, to have got his place.

Janet Alison in Perth, and one —— Hervy in Borrowstoness, two Cameronian women, were hanged

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the boys turned up with their procession by the Black-friars Wynd, towards the High-Street, three of them going before with kindled torches: When they came to the High-Street, at the head of the Wynd, finding they could go no further, the chair was set down, sentence was passed upon his holiness, and he was condemned to be burnt, and accordingly the torchmen drew near, and did their work, and by the help of gun-powder the effigies was blown up. This was about ten o'clock, and as soon as the chair appeared at the head of the Wynd, Linlithgow his son, and some soldiers, made an attack upon the boys with sword in hand. They stood their ground, and warned him to beware whom he struck, for he had relations among them, and got their business done."—Vide WODROW's *History of the Church of Scotland, Book III. p.* 216, *Edin.* 1722, *fol.*

at Edinburgh, 26th January, 1681; they called the King and bishops perjured bloody men. There were five other women execute with them for murder of their children. Trotter of Morton-hall, and Alexander Hamilton, convened before the council for reflections against government, 25th January, 1681.*

The Duke of York went frae Edinburgh, 3d February, 1681, to see Stirling Castle, at seven in the morning, and in respect of the preparations made by the Earles of Argyle, Marr, and Lithgow, for his reception. He would not stay, albeit a great storm of snow had fallen in the interim, but retired 5th instant in the afternoon.

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* Fountainhall has recorded the particulars elsewhere:—"Sec. Council, January 23d and 25th, 1681. Alexander Hamilton, merchant in Edinburgh, was imprisoned, and Trotter of Morton-hall was for to be apprehended; the first by the delation of Riddal of Haining, for saying he believed there would be so much resentment taken if the picture of our Saviour had been burnt, as was for bairns their burning the pope in effigy. The second on Hay of Bara's delation, (a most ungentleman employ sure, for *odi memorem compotatorem,*) for telling he heard that night Priestfield was burnt, there were some of the Duke of York's servants seen walking near the garden; which was to turn over the firing it on the papists. When they were examined, they mollified the words; and after some days imprisonment, Mr Hamilton, on a bill mentioning his loyal principles and detestation of all faction, and sorrow if any words escaped him, was liberate on condition. Morton-hall was never incarcerate."—Vide *The Decisions of the Lords of Council and Session, from 6th June*, 1678, to *July* 3d, 1712. *Edinburgh*, 1759, *fol.*

General Dalyell having caused condemn by a court martial, a sentinal at one of the gates of the Abbey, that was found sleeping; the Duke caused him to be remitted.

The 29th May, 1681, having fallen on a Sunday, the magistrates of Edinburgh kepit the solemnity on Monday the 30th, and the Duke of York honoured them with his presence in the theatre. Lady Anne, his daughter,* arrived at length frae England, 17th July, 1681. The Duke went frae Edinburgh to Glasgow and Dunbarton 3d, and returned 5th October, 1681; he was regaled at the Hacket by Lord Ross. His birth-day, the fourteenth of October, was observed with greater solemnity than the King's; and in the beginning of October, the Dutches' birth-day was solemnized at the Abbey, and himself took shiping at Leith for London 6th March, 1682, and came to Yaremouth 10th ditto, having left his dutches and daughter in Scotland. On the 3d of May 1682, he took leave of the King, his brother, and embarqued in the Glocester frigat, which was cast away†

* Afterwards Queen Anne.

† Upon the sand, called the Lemman-Ore, off the coast of Holland. Reflections were thrown on the unfortunate James, whose friendship was in this cause, as in others, fatal to so many of his adherents, that he was more anxious about his priests and his favourite dogs, than about the lives of the nobles and gentlemen of his retinue. Those who remained in the sinking vessel gave three cheers when they saw the Duke safe.

5th May, and about 150 of his retinue lost. Among them the Earle of Roxburgh, Hoptoun, Douglas of Pumpherston, De Livingston, Mr James Lidderdale, Lord Obriant, with the Duke, was saved by the boat of the ship, and with him Winton, Perth, Midleton, and haddo Charles, afterwards Earle of Aboyne. The Duke arryved at Leith, 7th May, 1682.

General Dalyell caused execute a souldier for stealing a pair pistols out of the magazine; he caused a counsell of ware condemn another for being found sleeping at the Abbey gate. But the Duke of York obtained his pardon 1681.*

The 21st February, 1681, there were brought from Borrowstonnes, a company of distracted men and women, who called themselves Sweet Singers, or the only true saints, declared for Mr Donald Cargill's covenant, and had napkins dipt in the blood of Steuart and Potter, after-mentioned, and waving them in their prayers, crying for vengeance on the murderers, disowned the King and all Government, and followed a sailor, called Gibb, who assumed the name of King Solomon.† Their husbands, who were not of their opi-

* This seems a repetition of a former incident.

† Fountainhall has here done the Sweet Singers either too much or too little justice—they adhered to no preacher, save their own leaders, Meiklejohn, Gibb the sailor, and one David Jamie. They burnt the Bible, and were guilty of the wildest blasphemies. When lodged in the jail with the other prisoners, they disturbed their devotions by their wild cries, until George Jackson,

nion, they would not converse with. There were three of them hanged in the Grass-Mercat, 11th May, 1681, for disowning the King, and saying it was lawful to kill him and his Judges.* Their names were Goyer,

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a Cameronian martyr, put a stop to that practice by beating Gibb severely. After which he used to sit howling behind the door, until their exercise was finished. He and Jamie were both banished to America, where, says my author, Gibb came to be much admired by the poor blind Indians, for his familiar converse with the devil. *God's Justice Exemplified*, &c. p. 62.—In the Appendix to Wodrow, there is a very edifying declaration of these persons, (for they also lodged their testimony,) the last clause of which reminds the reader irresistibly of the anxiety of Dogberry to be written down an ass. "These things were cleared to us when fasting and praying, and we were pressed to do this by the Holy Ghost. We had many fasts about this thing, and this week we took some milk and bread, in the third day of the week, in the morning, being the 24th day of the fifth month, 1681, and tasted neither meat nor drink, nor any other kind of living, till the sixth day of the week, at four afternoon, (and then we took a little milk and bread,) for to find out the causes of his wrath, we have wandered, mourned, wept many a night and day, in houses and fields, for we have, and have had no other end but his glory, that the Elect, such as should be saved, might be brought in; and it is only conscience that keeps us from giving men reverence in word and behaviour, though some call us dumb devils, and unlearned brutes; *and one of us, when coming before them they call rulers, was called a blockhead.*"—Vide WODROW's *History of the Church of Scotland, vol. II. Appendix, p.* 81, *Edin.* 1722, *fol.* I hope it was not the King Solomon of the text who was thus unceremoniously distinguished.

* The Sweet Singers disowned every thing civil and ecclesiastical. After renouncing the Bible as printed, and the preachers and the testimonies of all other sects but their own, they

Miller, and Sangster, and when on the scaffold they were offered pardon by the Duke if they would but say God save the King. Some dayes befoir several of

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proceed with the following catalogue:—"We renounce and decline all authority throughout the world, and all that are in authority, and all their acts and edicts, from the tyrant Charles Stuart, to, &c. We renounce the names of the months, as January, February, March, April, May, June, July, August, September, October, November, December; Sunday, Munday, Tuesday, Wednesday, Thursday, Friday, Saturday, Martinmas, Holy-days, for there is none holy but the Sabbath-day, Lammas-day, Whitsunday, Candlemas, Beltan; cross stones and images, fairs named by saints, and all the remnants of popery, Yule or Christmas, old wives fables and by-words, as Palm-Sunday, Carlin-Sunday, the 29th May being dedicate by this generation to profanity, Pasch-Sunday, Hallow-even, Hogmynae night, Valentine's even, no marrying in the month they call May, the innumerable reliques of popery, athiesm and sorcery, and New-year's day, and Hansel-Munday, dirgies and lykewakes, Valentine's fair, chapels and chaplains; likewise Sabbath-day's feastings, blyth-meats, banquetings, revellings, piping, sportings, dancing, laughings, singing profane and lustful songs and ballads, table lawings, monk lands, friar's lands, black-friar's lands, kirk and kirk-yards, and market-crosses, font-stones, images, registers of lands and houses, register bonds, discharges, and all their law works, inhibitions, hornings, letters of adjudications, ships passes, profanity, and unchaste thoughts, words, and actions, formality and indifferency, story-books and ballads, romances and pamphlets, comedy-books, cards and dice, and such like, we disown all of them, and burn them the sixth day of the week, being the 27th day of the fifth month, 1681, at the Canongate Tolbooth Iron-house."—Vide WODROW's *History of the Church of Scotland, vol. II. Appendix, p.* 80, *Edin.* 1722, *fol.*

their principall leaders had taken of the West Port the heads [&c.] of Stuart; and the Lords of Justiciary, to supply that want, ordered two of the above-condemned persons to have their heads cut off, and put in their place.* There was one Murray also condemned with

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* The history of the taking down of the heads which were thus replaced, has something in it so characteristic of the times and the popular feeling, that, at the risk of making a long note, I transcribe the passage from a scarce Cameronian tract. "The never-to-be-forgotten Mr James Renwick told me that he was witness to this public murder at the Gallowlee, betwixt Leith and Edinburgh, where he saw the hangman hash and hag off their five heads, with Patrick Foreman's right hand: Their bodies were all buried at the gallows foot; their heads, with Patrick's hand, were brought and put on five picks on the Pleasance-Port. Some honest men told me of late, that they were witnesses to the same, and saw the hangman drive down their heads to the foot of the pike, and thereby broke their skulls. Mr Renwick told me also, that it was the first publick action that his hand was at, to convene friends, and lift their murthered bodies, and carry them to the West-Church yard of Edinburgh, and buried them there. Then they came about the city to the Netherbow-Port, with a design to retake the heads, hands, and other parts of our martyrs' bodies down; but a woman holding over a candle to let some people see the street, marred them. Then they took down these five heads, and that hand; and the day being come, they went quickly up the Pleasance, and when they came to Lauristoun-yards, upon the south side of the city, they durst not venture, being so light, to go and bury their heads with their bodies, which they designed, it being present death, if any of them had been found. Alexander Tweedie, a friend, being with them, who at that time was gardner in these yards, concluded to bury them in his yard, being in a box (wrap-

the last three, but he having acknowledged the King's supremacy in civil affairs, although not in ecclesiasticall, got a reprivall.

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ped in linnen) where they lay 45 years except three days, being executed on the 10th October, 1681, and found on the 7th day of October, 1726. The piece of ground for some years lay unlaboured; and trenching it, the gardner found them, which affrighted him; the box was consumed. Mr Schaw, the owner of these yards, caused lift them, and lay them upon a table in his summer-house. Mr Schaw's mother was so kind, as to cut a linen cloth, and cover them. They lay twelve days there, where all had access to them. Alexander Tweedie, the foresaid gardner, said, when dying, there was a treasure hid in his yard, but neither gold nor silver. Daniel Tweedie, his son, came along with me to the yard, and told me that his father planted a white rose-bush, which was more fruitful than any other bush in the yard; and he is persuaded that some others of our martyrs' heads were buried there, Archibald Stewart, John Potter, William Cuthel, William Thomson, and others, whose heads were fixed upon the West-Port, but shortly after taken away by friends. Some of our dissenters went and saw them, and desired to have them in their burying, none being in the principles and practice of our martyrs but them, who have also reprinted these testimonies, with a slanderous elegy upon them. However, they reflected the most of all that were at that burial, and however many came out of curiosity, yet I rejoiced to see so many concerned grave men and women favouring the dust of our martyrs. There were six of us concluded to bury them upon the nineteenth day of October, 1726, and every one of us acquent friends of the day and hour, being Wednesday, the day of the week upon which most of them were executed, and at four of the clock at night, being the hour that most of them went to their resting graves. We caused make a complete coffin for them in black, with four yards of fine linen, the way that our martyrs' corps

Dr Archbald Turner, one of the ministers of Edinburgh, dyed suddenly 30th March, 1681. He was of a ready witt and good parts; he was bürried at his

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were managed; and, having the happiness of friendly magistrates at the time, we went to the present Provost Drummond, and Baillie Nimmo, and acquainted them with our conclusions anent them; with which they were pleased, and said, if we were sure that they were our martyrs' heads, we might bury them decently and orderly. (It was far otherwise at the happy Revolution; when our friends gathered the heads, hands, and other parts of our martyrs' bodies, off the publick ports, to the Magdalene-Chapple, the magistrate threatened them; the presbyterian ministers, who had accepted the Duke of York's toleration, and who were then ministers in the meeting-houses of Edinburgh, such as Mr D. W. and H. K. frown upon them, saying, Will ye never be quiet? And for that, friends would not suffer them to put out their hands to hand-spaiks, though they offered.) Accordingly we kept the foresaid day and hour, and doubled the linen, and laid the half of it below them, their nether jaws being parted from their heads; but being young men, their teeth remained. All were witness to the holes in each of their heads, which the hangman broke with his hammer; and, according to the bigness of their sculls, we laid their jaws to them, and drew the other half of the linen over them, and stufft the coffin with shavings. Some pressed hard to go thorow the chief parts of the city, as was done at the Revolution; but this was refused, considering that it looked airy and frothy to make such shew of them, and inconsistent with the solid serious observing of such an affecting, surprising, unheard-of dispensation; but took the ordinary way of other burials from that place, to wit, we went east the back of the wall, and in at Bristo-Port, and down the way to the head of the Cowgate, and turned up to the churchyard, where they were interred close to the martyr's tomb; with the greatest multitude of people, old and young, men and wo-

own desire, under the elder's dask, in his own paroch of the Old Kirk, (which some thought superstitious.) His collegue, Mr John Robertson, preached his funeral sermon, and Mr Alexander Ramsay got his post; and in place of Mr Ramsay, they called to officiat in his place Mr Alexander Malcolme, minister at Newbatle, who had been minister at Edinburgh before.

Ane Irish papist, depones before the Councill, in May 1681, that Mr Michael Godfrey, brother to Sir Edmund Bury, employed him to cut down Sir Edmund Bury, who hade hanged himself, and carry him to the place where he was found.

The Duke of Holsten's ambassador being imprisoned by his creditors at London, the Councill sent for them, desireing them to liberat him, which they refusing, they were imprisoned at Newgate, and he liberat May 1681.

Mrs Celiers, a midwiffe, having turned popish, and

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men, ministers and others, that ever I saw together. However, some deny, and others will not believe that all this is matter of fact, far less will many believe it, 40, 50, or 60 years after this, when boys and girls of six, eight, or ten years of age, who were witnesses to it, shall tell that we saw five heads wanting bodies re-buried 45 years after they were murdered, for maintaining Presbyterian principles, in a time of persecution that was in the days of our fathers, by the popish, prelatical, and malignant faction."—Vide *Some remarkable Passages of the Life and Death of those three famous Worthies, Mr John Semple, Mr John Welwood, Mr Richard Cameron, Ministers of the Gospel, &c. &c. pp.* 138, 139, 140, *and* 141, *Edinburgh*, 1727, 12*mo*.

being criminalie convened for a pamphlet against the popish plot, 11th October, 1681, was fined 1000 lib. Sterling.—See Abridgement of Tryalls, p. 131. [S]he was also ordered to be whipt three severall days at three several places in London.

Three men were burnt for buggring mares about Melros, one of them was a conventicler; they declared they thought it no sin, and his mother reported that six weeks before her delyvery of him she heard him audibly weep in her belly, May 1681.

No rain, but a great drought in many of the southern shires of Scotland, frae March till the latter end of June, 1681; but cold unseasonable weather.

Mr Robert Forbes, who hade taken himself to the ministry, but could not get a kirk, cut his throat 27th June, 1681; but after it was sowed up so as he might have lived, he ript it up with his hands, and dyed within three or four dayes.

Tubervill, the principal evidence against Viscount Stafford, confest to the Bishop of London that he had swore falsely against Stafford, 1st July, 1681.

The Erle of Shaftsbury put into the Tower, wherin he had been before in 1676, 2d Jully, 1681.

Mr Donald Cargill, a presbiterian preacher, who had excommunicate the King, was apprehended at Covingtown-mill, near Lanark, with two of his associates, Smith and Boig, 13th July, and upon the 26th ditto, he, Mr Walter Smith,* Mr Jas. Boig, Cuth,

* Walter Smith had been educated in Holland, and is said to have been a good scholar.

and ane Thomson, were hanged at Edinburgh Cross; they disown'd the King, calling him tyrant, and to save their lives they refused to say God save him. Cargill behaved most timorously, begged banishment, but finding that could not be granted, he put on more resolution after his sentence.*

The Duke of Rothes dyed at his lodgings in the Abbey, 26th July, 1681, of the jandies and hydropsy; he was brought up to the High Church of Edinburgh, and in great state conveyed thence to the Abbey Church, and frae that to Leith, 23d Agust, 1681, and nixt day carryed to Lesly, and interred there.† He was of excellent parts, tho' void of learning; he gave himself great libertie in all sorts of pleasures and debautcheries, particularly with Lady Ann, sister to the first Duke of Gordon, whom he

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* The Cameronians, of course, claim all the courage and firmness of martyrdom for Donald, or Daniel Cargil, who was their burning and shining light. So far from requesting his own life, he could foresee that of his enemies; for when Rothes threatened him with torture and a violent death, he is said to have replied, "My Lord of Rothes, forbear to threaten me; for die what death I will, your eyes will never see it." Which came to pass accordingly, for Rothes died in the morning of the day in which Cargill was executed. When his sentence was announced by sound of trumpet, he said, "This is a weary sound, but the sound of the last trumpet will be a joyful sound to me, and all that shall be found having on Christ's righteousness."—*Scottish Worthies*, 1797, p. 386, 7.

† According to the Cameronians, Rothes on his death-bed acknowledged Cargill's sentence of excommunication, and decla-

took along with him in his progress through the country, with hat and feather, and by his bad example infected many of the nobility and gentry.

The parliament satt down 28th July, 1681, in great pomp, being ridden frae the Abbey till the Parliament-house; there was nether chancellor nor treasurer, and the Marques of Athole was president of the Parliament. It was opened by a prayer of Mr Paterson, Bishop of Edinburgh. The Dutches of York and other ladies were present.*

The revenue was sett by the Exchequer, 1st October, 1681, to Baillie Charles Murray and Robert Miln,† for seven years, for 90,000 lb. Sterling, 16,000 lb. therof per advance to pay the armie; the greatest improvement that ever hitherto was made of the King's rents. It never having been in over-hand before, but ordinarily the taxmen of the customs, and of the 40,000 lb. Sterling excise, were different.

Casull and Strasburgh seized by the French about September, 1681.

The 10th October, 1681, there were five men hang-

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ring it would bind him to all eternity, died in a state of raving despair. Such tales are easily invented, and greedily swallowed at all times. Mr Kirkpatrick Sharpe, in his curious and interesting notes on Kirkton's History of the Church of Scotland, has given us an excellent admonition from Archbishop Sharpe to the Duke of Rothes, on his licentious mode of living, p. 261.

* This was censured as uncommon and indecorous.

† Of Barnton.

ed beside Edinburgh, for calling the King a tyrant, and disowning his authority.

Queen Catherine's birth-day keept with great solemnity, 15th November, 1681, by canons, bonefires, and a comedie at the Abbey, where was present the Duke and Ducthess, and Lady Anne, Duke of York, his daughter.

In November, 1681, the scholars of Westminster burnt the effigies of Jack Presbiter; and the apprentices of London, to counter them, burnt the Pope.

Argyle, the Earl, was brought to his tryal before the Justice-court, on the 12th and 13th December, 1681. Sir J. Lauder of Fountain-hall was one of his advocates, and was after quarrelled, with Sir George Lockhart and his other advocate, for signing it as their opinion, that they thought the dittay not relevent to infer the crimes lybelled of treason. But the Lords thought otherwise, and fand the explanation of the Test given in by the earl to contain the crimes lybelled; and probation being led, and the same remitted to the assyze, they by their verdict fand the earl guilty of leizing-making, depraving, assuming the legislative power, &c. But he escaped out of Edinburgh Castle, 20th December, 1681, and on 23d ditto, sentence of death was pronounced against him, and his armes tore on the Cross, 1682.*

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* See a very curious account of his escape in Law's Memoirs, and the ingenious and indefatigable editor's notes.

Argyle was much hated for oppressing his creditors, and neither paying his own or father's debts. But Lord Halifax told King Charles II. he understood not the Scots law, but the English law would not have hanged a dog for such a crime.*

Many episcopal ministers deserted their churches on account of the Test, some whereof rued and were re-admitted.

The boyes and prentices burnt the Pope, 26th October, 1681, because Christssmas fell on a Sabbath.

The act of Parliament for taking the Test burnt at Lanark by 30 or 40 persons, 12th January, 1682, who emitted a proclamation against the King as a tyrant; and the Council ordered the Solemn League and Mr Cargil's Covenant to be burnt at the Cross of Edinburgh by the hangman, which was done; the magistrates being in their robes.

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* Every lawyer of common sense, or ordinary conscience, will be of the same opinion. Lord Clarendon, when he heard the sentence, blessed God that he lived not in a country where there were such laws—but he ought to have said such judges. The very hospital children made a mockery of the reasoning of the Crown lawyers. The boys of Heriot's Hospital resolved among themselves, that the house-dog belonging to the establishment, held a public office, and ought to take the test. The paper being presented to the mastiff, it refused to swallow the same, until it was rubbed over with butter. Being a second time tendered (buttered as above-mentioned,) the dog swallowed it, and was next accused and condemned for having taken the test with a qualification, as in the case of Argyle.

Alexander Cockburn, hangman in Edinburgh, was hanged for murdering one M'Kenzie, a blew gown, and hung in chaines. The probation resulted on strong presumptions, as his denying that beggar was in his house that day, the contrair wherof was proven; item, the finding bloody cloaths in his house, the hearing groans therfrae; yet dyed without confessing.

One M'Kenzie (whom Cockburne had undermindit at Stirling, and got him thrust out of his place as hangman there,) was his executioner. About the same time, the hangman of London was execute for murdering his wife, 13th July, 1682.

About January, 1682, was great inundationes in Holland, Zealand, and Brabant, overflowing many villages, the inhabitants whereof wer reckoned to be many thousands, besides the loss, which extended to millions of money.

Generall David Lesly,* who defeat the great Montrose at Philiphaugh, dyed suddenly, January, 1682. He was in the church hearing sermon in the forenoon; but wes dead before one o'clock in the afternoon.

Mr David Ferguson, a writter, was drowned in North Loch, February, 1682.

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* Lord Newark. It is singular he is not here described by his title, which was granted to him by patent in 1661. It is remarkable, that although a good general, and undoubtedly sincere in his attempts to serve Charles II., he was never fortunate after having embraced the royal cause.

Mr Patrick Scougall, Bishop of Aberdeen, and but halfe episcopall in our judgment, dyed February, 1682. 1682, Mr George Haliburton, Bishop of Brechin, succeeded him.

Count Coningsmark, a Swede, (who cockeled King George of Hanover, after King of Brittane, by usurpation, and wes murdered by him,)* hyred several rogues to murder Squire Thyne, worth 10,000 lb. Sterling, per annum, in London, on account of Lady Ogle, heiress of Northumberland, who was married to Thyne, but left him, and Coningsmark had a kindness for her, and Thyne had refused to fight him. The Londoners were enraged at his death, because he was a follower of the Duke of Monmouth. The three murderers were execute, but Coningsmark made his escape.†

Major Joseph Learmonth was tane at his own house, near Peebles, by the Laird of Meldrum; he had been a commander of the Whigs both at Pentland and Bothwell. Many attempts had been made to take him, but he frustrate them all by a subterranian cove under his house; he disclaimed the Cameronian principles. Many about this time were seized, and amongst them another leader of the Whigs, call-

* This pithy parenthesis is inserted by Mr Milne. It is the general belief that Coningsmarcke was killed and buried in the apartment of the unhappy princess.

† Or rather was acquitted by the verdict of a most unconscientious, and probably a bribed jury. See the State Trials.

ed M'Lealand of Barscob; they were each sentenced to be hanged, as was one Flyming,* but were reprived.

In 1682, the King of Sweden supressed the senate, by whose advice he and his predecessors used to rule, and made himself absolute.

Sir John Dalrymple's eldest son shot his brother with a pistol accidentallie, about May, 1682.

York, Duke, with his Dutches and daughter and heall retinue, shipt at Leith, 15th May, 1682, and arived at London, 27th ditto, being long detained at sea.

The Lord Ross dyed at Hacket, Aprile, 1682.

Sir Alexander Seaton of Pitmedden, Lord of Session, made one of the Justiciary, in place of Falconer of Newtown, made President.

5th July, 1682, Duke of York prosecut Pilkington, Sheriffe of London, on the statute of *Scandalum Magnatum*, for 10,000 lbs. damages, for saying he had accession to fyring the city of London, in 1666. It was proven also when the city of London proposed

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† The zealous Patrick Walker charges this preacher [Robert Fleming] with being liberated on the terms of the indemnity; and, moreover, with dealing earnestly with Messrs King and Kid, to give a healing testimony in favour of the indulged—high offences in his estimation. Nay, Mr Howie admits he went into some extremes of coalescence with these lukewarm presbyterians. Yet he has admitted him among the Scottish worthies. Mr Fleming was afterwards minister of the Scottish congregation at Rotterdam.

to congratulat the Dukes welcome from Scotland, that he said should they congratulate ane who had burnt their city, and was come to cutt their throats, with their wives and children, and was fined in 100,000 lbs. November, 1682.

The Duke of Lauderdale dyed 24th August, 1682, att Tunbridge Wells, the learndest and most powerful minister of state in his age; discontent and age were the chief ingredients of his death, if his dutchess and phisitians wer frie of it; for she abused him most grossly, and had gotten all from him she could expect, and wes glad to be quyt of him.* Duke of York and he differed, and the King cast down his countenance at him for voteing Vis. of Stafford guilty of the pretendit Popish Plot, for which he was most unjustlie execute, tho innocent; yet he waited on the King to and from the Oxford parliament, when his majestie was in great straits by his rebellious parliament. The Duke of York was not grateful to him, for he advised to bring him from Flanders, in October 1679, which contributed much to the Duke's advantage. It's true, Laderdale's maine aime (and so is all great men's designs, to uphold themselves,) was to preserve himself, for the Duke of Monmouth (who then ruled all) and Duke of Hamilton were combineing to break him, and he saw the only way to disappoint them was to bring home York;

* The Duchess of Lauderdale is very severely handled by many of the lampoons of the time. See a particular account of this celebrated lady in Mr Sharpe's note on Kirkton, p. 315.

and againe, when England was too hot for York, he advised the King to send him to Scotland, where his party made the great interest he got there; yet, efter all, he deserted his brother, Lord Halton, and let him fall a sacrifice to his enemies, such as the Erle of Aberdeen, Chancellor Queinsberry, Lord Dundee, anent the mint Assier; albeit Halton was the most fixt loyalist that ever was in [of] his name. But the Duke of L. was hated for ruining the memory of his oun family, and giving Dudingstoun to his dutches, and Ledington to hir son, Lord Huntingtoun (thought by some to be his own son.) The last Ledington was not lawfully purchast, for it belonged to the grand children of Wm. Maitland, secretary to Queen Mary, his grand uncle, who lived in Rowen, in France, to whom the Duke payed a small yearly penssion. His place of Knight of the Garter was given to his greatest enemie, Duke of Hamilton; and that of secretary to Erle of Midleton, whose father Lauderdale discarded. His corps came to Scotland, October 1682, putt in Inveresk kirk, fra thence transported to Hadington, where he was interred 5th Aprile, 1683. Paterson, Bishop of Edinburgh, preached his funerall sermon (ane of his creatures, but follows all courts,) at Inveresk, on Corinthians xv. 55, "O Death! where is thy sting!" who ascribed any errors he committed in the end of his days to his dutches and brother Hatton. At the distribution of the charitie at his death, one of the beggars, called Bell, stabbed another beggar, for which he was hanged.

His brother Hatton was turned out of the mint, and all the under officers, 31st October, 1682, and ordered to be pursued civily or criminelly for malversation, and in him fell the power of the Maitlands. He was little regarded, being very unsufficient, which acquired him many enemies, especially amongst the nobility. He expected that the Duke of York would not have left him, because of the many friends he had made for him when he came to Scotland; but there was a necessity to part with him, because of the current that rann against him, albeit he would fain have protected him, and besides, Kipperminshoo accused him of perjury; he was also stayed with bribery, for takeing 14,000 merks fra the taxmen of the excise of Lauthean, in procureing the tack, August 1682. His place of Thesaurer-depute was given to Drumond of Lundie, after the Duke of Meffort, [Melfort] his place in the session was given to Wauchope of Edmistoun, his shirrifship of Midlouthian was given to the Earl of Dalhousie.

The Earl of Shaftsberry fled to Holland, November, 1682, and dyed at Amsterdam, January, 1683.

John Falconer of Fesdo, late warden of the mint, (father of Lord Fesdo,) hanged himself, for being affraid he would be criminally pursued for malversations in the mint.

Alexander Home, a small heretor in the Merse, was hanged at Edinburgh in the Christmas week, because the Viscount Stafford was execute at London in the same week, 1680, (for the base forged Popish

Plot,) for he commanding a party at Bothwell, tho he came not that length; he dyed more composedly than others of his kidney did. Some bishops interceded for him, (which was said to be but their duty, he dying for their cause.) The Earl of Aberdeen, chancellor, refused him a reprive, and his apprehender dyed of grieff.

Mr John Menzies, minister at Aberdeen, called to be Professor of Divinity in Edinburgh, in place of Mr Laurance Charters, who refused the Test. But Paterson, Bishop of Edinburgh, and he not agreeing, because he would not go his length in preaching against Poperie, &c., (being of that principle himself in his youth,) Mr John Strachan was chosen in his place, January, 1683.

K. James the Fifth his burial place, with others, are in a vault in the south-east end of the church of Holyroodhouse, January, 1683. Skeen and others make mention of his burial there; 'tis known by the inscription on his lead coffine. In the vault there are five more lead coffins. Drummond of Hawthornden, in his History, says this was not the place of their burials; but King Henry the Eighth of England his army having defaced his tomb, he was transported to the said vault by King James the Sixth, and re-embalmed, which appears by the freshnes of the body, and the liquor about. The nixt coffine is his first Queen, Magdalen, daughter of the King of France, that dyed 1537. The third is Henry Lord Darn-

ley, (father to King James Sixth,) Queen Mary's husband, (others call it the body of Signor David Rizzio,) strangled 1567. By his body he appears to have been a tall proper man, and so could not be Rizzio's body. The fourth is Jean Stewart, daughter of King James the Fifth, Countess of Argyle, who dyed 1587. The other two are some of their children.*

Gordon of Earleston, forfeit for Bothwell Bridge rebellion, wes taken at Newcastle with Edward Aitkine, being going abroad to forreign protestant princes for suply, June 1683.

Andrew Gullan,† weaver in Balmerino, who was at Archbishop Sharpe's murder, being taken at Cockpen, was execute the 13th July, 1683; dyed hardened and insensible.

Five of the King's Guards being conveying one Smith, a fanatick, prisoner to Glasgow, seven whigs

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* The Abbey Church was plundered at the Revolution by the mob. They broke into the sepulchres of the kings, and dispersed their reliques. This was the brutal act of a passionate moment. But to the scandal of common decency, these ribs and bones long made part of the curiosities exhibited to every stranger who visited Holyrood-House. Amongst them were the thigh bones of Darnley, which indicated his unusual height. This scandalous exhibition has been at length prohibited, and the sepulchres are now built up.

† In Wodrow's account of the murder of Archbishop Sharp, he says, "Andrew Gillon never touched him, but endeavoured to secure his daughter from danger, when interposing himself betwixt her father and them."

fell on them at Inchbellie Bridge; rescued the prisoner, and killed David Murray, and wounded another; and two Lessmahgo men, called M'Quharrie and Smith, were seized in Stevenson wood, on suspicion,* and hanged at Glasgow, 13th June, 1683.

Earle of Mulgrave banished the court for making love to Princess Anne, (after Queen Anne,) 1683. She marryed George of Denmark, 28th July, 1683; she was efter Queen of England, 1702.

Plot at Ryhous discovered by Ramsay, and other republicans were for killing the king. But at the bottom thereof was Lord Howard of Escrich, Monmouth, Lord Gray, Lord Russell, Sir Thomas Armstrong, Coll. Sidney, and Mr Hampden. They pretended only to seize the king till he called a parliament, and disherit his brother York. 20th June, 1683, Russell was taken. Captains Walcote, Rouse, and Hone, three of the conspirators, were hanged 20th Julie, 1683. Doctor Burnet, that arch-villain, who attended them at their execution, was checked for penning their speeches. Russell, being a member of the House of Commons, was charged with perjury for not revealing the plott. It was said his father, the Earle of Bedford, offered £100,000 Sterling for his life; but

* Wodrow says they had only walking-staves in their hands, and that they were condemned without any evidence, save the presumption arising from their being found near the spot. They died with great firmness. Vol. II. p. 319.

he having brought in the bill of exclusion against York, and having been active in the murder of Viscount Stafford for the forged Popish Plot, he justlie fell a sacrifice. There were in this plot, of Scots, Campbells of Cessnock, elder and younger, Sir John Cochrain, Bailie of Jerviswood, Lord Melvill, Monro of Bearcrafts, the Earl of Argyle, Mure of Rwalan, and his son, Fairlie of Bruntfield, &c. Crawfordland, Murray of Tippermalloch, Mr William Spence, servant to Argyle, Mr John Carstairs, and —— Hepburn, ministers; the most of them were sent frae London to Edinburgh, prisoners in a ship, and put in Edinburgh Tolbuith, 14th November, 1683.

George Drummond, baillie of Edinburgh, recommended to be provost thereof by the King's letter, September, 1683.

Powder Plott not commemorat 5th November, 1683.

Algernon Sidney, son of the Earle of Leicester, beheaded for the plott, 7th December, 1683. He was gallant, but so misfortunat as ever to be on the disloyal side; of republican principles, and was a collonel against the royal martyr Charles I.

Monmouth brought home by influence of the Dutchess of Portsmouth, Marques of Halifax, and Earle of Macklesfield, 24th November, 1683. But the Whigs thereon turned so uppish, that he wes banished the King's presence, and confined to Moorpark, and five myle about the same.

Mr Alexander Young, Bishop of Ross, dyed at Paris, where he was cut for the stone in September, 1683. He was moderate and learned, unjustly supplanted in the bishoprick of Edinburgh, by Mr John Paterson, (after Bishop of Glasgow,) his successor, and therefore attempts were made of sending him back to Ross, where he wes bishop before he came to Edinburgh.

Mr John M'Queen, one of the ministers of Edinburgh, in December, 1683, haveing by trapane got a petycoat of Euphane Scott's, (after Lady Eymouth, and spouse to Wynram of Eymouth, who is now broken, and she dead,) with whom he was deadly in love, tho she hated him; he made thereof a wastecoat and drawers, for which he was suspended; but the Bishop of Edinburgh, Paterson, reponed him in February, 1684.*

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* There is, amongst the editor's collection of libels and lampoons of this period, one which is entitled, "Ane Apologetical Letter from Mr John Macqueen, second minister of the College Kirk of Edinburgh, to his Ordinary, John Paterson, Bishop of Edinburgh." The following lines refer to the passage in the text.

"I then indeed fell on a fancie,
Which reaches nigh to nigromancie.
Into this town ther lives a matron,
Who, 'tis said, takes Circe for her patron:
It wes the councell of this Sophie,
I would get clothes worn by Effie,

Joseph Johnston of Hilton was stabbed by Mr William, brother to Charles, Earle of Hume, at Hilton. Hilton being of a lofty temper, had given Mr Hume bad words in his oun house of Hilton, and a box on the ear. This fell out on the same day tuelvemonth that Mr Home took Alexander Home, formerly mentioned, and execute in December, 1682; and William Home made his escape to England on Hilton's horse, he wes after [killed] himself in the wars abroad.* See Nisbet's Collections.

The which, if I obtained and put on,
Of the chief part of this love-sik matron,
'Twould instantly, in spite of fate,
Cause her love me whom she did hate.
This course I took, and forthwith gott
With great dificulty a coatt,
Termitt pettie, as the vulgar speach is,
Or ye may call them famele breeches," &c.

* I have heard it related as a circumstance arising out of this tragic story, that the son of the slaughtered Johnston was many years afterwards, while at a public assembly, called out to speak with a person, who, it was said, brought him some particular news from abroad. The stranger met him at the head of the staircase, in a sort of lobby, which led into the apartment where the company were dancing. He told young Johnston of Hilton, that the man who had slain his father was on his death-bed, and had sent him to request his forgiveness before he died. Before granting his request, Johnstone asked the stranger one or two questions, and observing that he faultered in his answers, he suddenly exclaimed, "You yourself are my father's murderer;" and drew his sword to stab him. Hume, for it was the homicide himself, threw himself over the balustrade of the staircase, and

Colbert, the great minister of France, died in October, 1683.

David Dick* hanged, being ane of Cargil's party, 1683.

Tho' the government could not directly reach Dr Burnet for the plott, yet the bishop of London putt him from his preaching at Saint Clement's to the Keeper of the Rolls, about Jully, 1683, because he had been active in penning the dying speeches of plotters against the government, and he got libertie from King Charles II. to goe of the kingdome, and put on gray cloathes, where he wrought meikle mischeiffe against the King, and his successor King James the Seventh, at Rome and other foreign courts, having brought over the Pope, called the Protestant Pope, to be against King James VII., and formed the great confederation of the Empror, Spaine, and Dutch, against the King of France, who espoused King James's interest, because King James would not quyte

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made his escape. Indeed he had taken this mode of endeavouring to ascertain whether he might venture to return to Scotland, without exposing himself to the vengeance of the friends of the man whom he had murdered. This interesting circumstance is given on the authority of the late excellent and accomplished Mrs Anne Murray Keith.

* David Dick left a testimony, which is one of the most extraordinary productions of the kind. The sufferer actually grows facetious in his extremity, and deals about jests, such as they are, on Turner, Claverhouse, the Duke of York, and other persecutors.

the French king's interest, who had taken Avignon from the Pope.

Foulis, Lord Collington, installed Justice Clerk, 22d February, 1684.

The Londoners surrender their charters, March, 1684.

Sir Hugh Campbell of Cesnock, elder and younger, acquitt of treason for want of probation, March, 1684.

Three suns and three rainbows seen at Dale, in England, March, 1684.

Lieut.-Generall Lambert, ane active rebell, next to Cromwell, dyed in Tower of London, March, 1684, (where he was putt in 1678,) upon discovery of the pretended popish plott, as a papist in masquerade; he was not only spared at the Restoration, but even escaped the hand of justice since, upon some secret politique of state.

Sir Lionel Jenkins, one of the secretaries, begged of his majesty to accept of a demission of his post, because of age and infirmitie, Aprile, 1684; and Earl of Godolphin got his post, he having died himself in Jully, 1685; a most loyal man.

The Earl of Wigton's house of Cumbernald burnt Aprile, 1684.

Kelso burnt, Aprile, 1684.

Sir John Cochrane's house of Ochiltrie, burnt in Aprile or May, 1684.

Captain Paton hanged for being at Pentland Hills and Bothwell, 9th May, 1684.*

* Captain John Paton, called of Meadowhead.

In May, 1684, the Duke of York got the hellish rogue, Doctor Oats, fined 100,000 lb. for saying the duke burnt the city of London in 1666; and he deserved to be hanged.

Sir Thomas Armstrong was taken in Lyden, where his father was a groom, and descended of Archie Armstrong, King James VI. his fool;* he wes of Scots parents, and Sir Thomas was born himself at Lyden; he was surprised and carried to a scoutt, without the States knowledge, (who were very angrie thereat,) by contrivance of Mr Chudley, his Majesty's envoy in Holland, informed by Mr John Constable, a Scotsman; he wes in the Ryhous Plott, and a great follower of Monmouths, and a Hector for the Whig's cause; he was hanged on a decree in absence; his daughter, Mrs Mathews (whose husband wes a captain, and execute for his coming over with Monmouth, 1684,) curst the judges as murderers. (See Bloodie Assisses, part ii. pp. 13 and 69.)—He had been a man of profligate lyffe,† yet his wyffe gave in

* This celebrated jester was after all not a Scot, but an Englishman, being born in the parish of Arthuret, in Cumberland. He retired there after his disgrace at Court, and was buried in the church-yard of that parish, a short mile from Langtown. He was popularly considered as a Scotsman, however, and is introduced as such in the whimsical play, called the Scots Figaries.

† Sir Thomas Armstrong was noted as a licentious gallant. Among other acts of violence, he stabbed a Mr Scroop in the pit of Drury-Lane, converting into a real tragedy D'Avenant's

several petitions for his life, which were all refused. The Whig's Account of the Martyre Tryals, p. 105, says, He had been a fixt servant to the royal family, and after had been imprisoned under Cromwell's usurpation, and in danger both of execution and starving; but it seems he was like the cow that *gives good milk all day, but throws it over at night.**

There being a combination against Earl of Aberdeen, Chancellor, by Queensberry and his partie, who told the King (haveing the Dutches of Portsmouth and other English on their side,) that he was a favourer of fanaticks, and not fitt for his majesty's service. His retinue was mean, haveing Earl of Dumfermline, Gordonston, Gordon of Rothiemey, Innes of Cockston, &c. with him, and ane obscure way of living that did him much hurt, which occasioned Earl Midleton, secretary, to treat him in ridicule before the King; and albeit the Scots bishops looked on him as their patron, yet the English bishops, at the insti-

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alteration of Macbeth, which was then acting. Langbain witnessed this incident.

* The following seems to be the passage referred to. It occurs in the Western Martyrology, or Bloody Assizes, Edit. 1705, p. 71.—" They knew he'd make better use on't; they had this lion in the toils, and did not intend to let him loose again to make sport, lest the hunters themselves should come off ill by it. He had been all his life a firm servant and friend to the royal family, in their exile and afterwards; he had been in prison for 'em under Cromwel, and in danger both of execution and starving; for all which they now rewarded him."

gation of Mr Faw, whom Queenberry had sent up a litle before him, and whom he had got made Principal of Glasgow Colledge, without the bishop's sufferage. They first accused him as a favourer of papists, but this not taking, they said he was a fanatick, and that he favoured Gordon of Erlston, Lord Melvill, Campbell of Cesnock, Lord Argyle, Sir James Dalrymple and several of his former friends left him, as the Register Tarbatt, King's Advocate Mackenzie. He fell in with the Earl of Lauderdale; and after he had transacted the fyne given to Claverhous, after Viscount Dundee, and other discontented persons, and uses them and the two Lockharts for his great counsellors. Another accusation against him was for refusing Claverhous a warrand for citting Sir John Dalrymple of Stair for treason, for recepting intercomoned ministers in his house. Item, his obstructing the town of Edinburgh's compting for their common good; 3tio. They charged him with the hail bad transactions in the Circuit Courts; and Mr Thomas Gordon, clerk to the Justiciarie, his herrying the western shores, with whom some said Aberdeen went snips. They gave many other instances of his griping temper, and of his oppressing Forbes of Tolquhon, Thomas Ronald, whose means he got in 1679, Gray of Schivez, Sir Alexander Seaton of Pittmaddon; his much zeal in carrying on the affair of the mint against Lord Hatton, out of whose fine he got 16,000 lb. Sterling, (whereof his heirs never got a groat to this day [1729,] albeit he transacted it for

the half;) that he commanded Falconer of Newtown, President of the Session, to hold his peace, calling him Sirra! and he recriminat that Perth and his brother, the theasaurer-depute, had called him rascall. After hearing both parties, the King ordered him to give up his commission, being very angry that such a person should have been recommended to him by his brother the Duke of York for so high a post.* The junto sett up against him, viz. Queensberry, Perth, Claverhouse, Grahame, &c. carried every vote, which made the post uneasie to him while he was chancellor; he made his estate of 500 lb. Sterling to be 1000 lb. Sterling more. It was remarked, as a bad omen, that his coach-horses refused to draw him to the Parliament-house, by no whiping, &c. He contracted also a friendship with unfortunate men, Duke Hamilton, Earl of Hume, Paterson, Bishop of Edinburgh, &c., (the last cannot be reckoned in the number.) After he found the King's affections alienated from him, notwithstanding the Duke of York's advice to him, and entreaty of his friends, he came privately frae London, and took post 28th May, 1684, the day before the King's birth-day, and came to Scot-

* The Earl of Aberdeen (then Lord Haddo,) shared the danger and escape of James upon the Leman-Ore, 5th May, 1682. The Duke of York was so anxious for his safety, that he called out, "Save my Lord Chancellor," which was the first public annunciation of his appointment to that high office.

land 2d June. Yet, after all, Lord Fountinhall characterizes him to be a sagacious lawyer, and ane indefatigable person for serious business.* The new ministrie intended to have reachd him for the fines of Whigs, while he was Shirriff of Edinburgh; but this Duke Hamilton opposed. They are trying for other malversations, and if they can deprive him of 100,000 lb. Scots, Lord Hatton promised him.

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* Mr Wood's edition of Douglas's Peerage gives an account of Lord Aberdeen's disgrace, which is much to that statesman's honour. "In consequence of the severe acts against non-conformity, the churches were well attended by landed gentlemen; but their ladies in general absented themselves. The council debated the point, whether man and wife making one person in law, the husband should not be fined for this his wife's offence. The Chancellor maintained the negative, on the grounds that wives were not mentioned in the Act of Parliament imposing fines for not attending church; that husbands were liable to be amerciated if their wives went to conventicles, for they had it in their power to restrain them; and since the law provided in the one case that the husband should suffer for his wife's fault, but had made no provision in the other case as to their not attending church, the imposing fines on them on that account could not legally be done. This sound construction was very ill relished by the Duke of Queensberry, and the other privy-counsellors; and the difference grew to such a height, that both the Chancellor and his Grace were sent for to the court to give an account of it to the King. His Majesty determining the point in favour of Queensberry, the Earl of Aberdeen surrendered the chancellor's place, to which the Earl of Perth was appointed, 23d June, 1684."—Vide DOUGLAS'S *Peerage, p.* 20, *Edin.* 1813, *fol.*

The King haveing gotten a bad impression of John Paterson, Bishop of Edinburgh, by the new ministers Queensberry, Perth, Claverhouse, &c. he was turned out as Privey Counsellor about Jully, 1684, and his pension of £100 Sterling revocked, which he got on a false representation, that he payed as much out of his benefice to the prebends: whereas he caused most of them renounce it ere he would admit them, and keept several churches, whereof he was patron vaccand, that he might gett the stipend *medio tempore*. Some were for haveing him deprived; but the English prelates intersposed, alleadgeing it was a bad example for the King to lay aside or deprive even a vitious bishop, because it reflected on their order.

Perth Chancellor being made Shirriff of Edinburgh, he put out Mr William Fletcher and Mr Thomas Skeen as deputes, and putt Mr Drummond and Mr Charles Gray in their places.

Bishop Lichton dyed 1684.

Mr Brisben, Clerk to the Admiralitie of England, dyed then.

Mr Spence tortured both with boots and thumikins, 1684.

Some of Clavers troop bring in sixteen Whigs prisoners. They were relieved at Enterkine Pass, and three of the troop killed, October 1, 1684. *

* De Foe, with his usual felicity of dramatizing whatever subject engaged his attention, has given a lively account of this skirmish in his History of the Church of Scotland.

Mr Alexander Burnet, Archbishop of St Andrews, dyed at his house in the Abbey of St Andrews, 22d October, 1684, and was burried in St Salvator's Church; he was of much moderation, especially since he was laid aside in 1669, and restored 1675; he was succeeded by Mr Arthur Ross, Archbishop of Glagow, not so advanced for any respect our statesmen bore, as to remove him from Glasgow, (where his carriage had made him odious), that Mr Cairncross, Bishop of Brechin, a creature of the Duke of Qeensberry, might have acces thereto.

Earl of Midleton, Secretar of Scotland, made ane of the Secretars of England, in conjunction with Sunderland, August, 1684.

Mr William Carstairs, and Commissioner Monro, being threatened with the boots, confessed the Ryhous Plot against the King and York, and discovered as associats Earl of Tarras, Philiphaugh, Sir James Dalrymple, &c. 4th February, 1684.

Sir James Smith named Mayor of London by the King, (who had taken away the cities charter), for the insueing year, November, 1684.

Papilion and Dubois, late Sherreffes of London, fined in 1000 lb. Sterling, for wrongous imprisonment of Sir William Pritchard, late Mayor of London, November, 1684.

A Presbyterian declaration affixt on several Mercat Crosses, 8th November, 1684, declareing, If the forces would not give over prosecuting them, they would not spare their lives as they fell in their way.

They disowned the King; and some of them did murder Thomas Kenoway and Duncan Stuart, two of the Life Guard, at Swine Abbey, in a barbarous manner; and three fellows were hanged for refuseing to disown the declaration.

Porterfeild of Duchall condemned for treason in resetting his brother, a declared traytor, for being at Pentland, for collecting money for Argyle, &c. 4th November, 1684.

James Earl of Loudon dyed at Leyden in Holland in October 1684, having fled for the Ryhous Plott.

Gilbert Burnet deprived, for saying in his sermon, that King James VI. intailed his curse on any of his posterity that turned Papish, and produced the book wherein the expresion is sett down; but that was not found relevant, unless it had been found in some of the King's own works, 1684.

Baillie (Mr Robert) of Jerviswodd, tryed before the Justice Court for Ryhous Plott, 23d December, 1683, condemned the 24th, and hanged and quartered, the same day.

James Cathcart set out a paper in print shewing he could tell men and women ther fortunes, give account of things stollen, &c. January, 1685.

The Theasurer Queensberry having tane some disgust at Claverhous for his not being so active against the Wheegs as he ought, (they haveing killed two men, and made one Mr Shaw, a minister, swear never to preach under bishops), Queensberry orders

his brother, Colonel Douglas, to take 200 men of his regiment, and attack the rebells. But haveing one day, with a partie of eight or ten of his men, mett with as many of the rebells in a hous, they killed two of his men, and Captain Urquhart, Meldrum's brother, and was near being shot himselfe, had not a Whig's carribine misgiven, (the more pittie, considering what a vile traitor the collonell efter proved to King James the Seventh:)* But Dougles therefter shot the said Whig, January, 1685.

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* This is one of Mr Milne's interjectional interpolations. Lieutenant-General Douglas, after having received great favour from King James, deserted his interest at the Revolution, and was a principal commander under King William in Ireland. If Captain Crichton's evidence is to be credited, he was a double traitor, engaging him and other officers to desert from Mackay's army to that of Dundee, and then betraying them.—"My Lord Dumore being then at Edinburgh, I thought it my duty to pay my respects to his lordship, who had also been my colonel. He was pleased to invite me to dine with him that day at a tavern, where he said Lieutenant-General Douglas, (who had left England a little before on some pretence or other), the Lord Kilsyth, Captain Livingstone, Captain Murray, and Lieutenant Murray, (all his ain lads, as his lordship expressed himself,) were to meet him. I objected against Douglas, that he was not to be trusted; this was the same man, who afterwards was Lieutenant-General of King William's army in Ireland against King James, and whose name will never be forgotten in that kingdom, on account of his many ravages and barbarities committed there; but his lordship answered, that he would pawn his life for his honesty; because my Lord Dundee had assured him, that the lieutenant-general had given him his faith and honour to be with him in five days, if he marched to the hills,

King Charles the Second dyed peacablie on Fryday, at twelve o'clock of the day, 6th February, 1685, haveing taken the sacrement before from Doctor Kenn, Bishop of Bath and Weles. On the 2d February he had a strong fitt of convulsion, but efterward, being recovered a little, he called his brother, and craved him pardon, If ever he had offended him; and recommended him the care of his Queen and

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to declare for King James. Whereupon I submitted my scruples to my colonel's judgment; and accordingly we all met in a tavern.

"Dinner was no sooner done, than we heard the news that King James was landed in Ireland: then Douglass, taking a beer-glass, and looking round him, said, Gentlemen, we have all eat of his bread, and here is his health; which he drank off, on his knees; and all the company did the same: then filling another bumper, he drank damnation to all who would ever draw a sword against him." According to the plan thus proposed, the dragoon regiments which had so long served under Dundee, were to have deserted Mackay, and to have gone over to their old commander: but Mackay received intelligence of the proposed scheme, and disconcerted it, by arresting the officers concerned in the plot. "All people agreed," says Crichton, "that Lieutenant-General Douglas, who made so many solemn professions of his loyalty to King James, and whose health he had drank on his knees, was the very person who had given this intelligence to Mackay, because he alone knew what had passed at the tavern where we dined; and because, instead of going with Dundee, as he had promised him upon his faith and honour, he rid post for London." Vide *Memoirs of Colonel Crichton, Swift's Works, vol.* 10. *p.* 181. *Edin.* 1814. 8*vo.* Mackay, in his Manuscript Memoirs, says, that he made this important discovery by means of a deserter. See *Note ibidem.*

children, and delyvered him some papers, and intreated him to maintain the Protestant religion. The Queen being unwell, was not able to attend him, but sent to ask his pardon wherein she had ever offended him: He said, Ah, poor Kat, many a time have I wronged her, but she never did me any. He dyed most composedlie, regrating the trouble 'his friends had been at in attending him. He was certainly a prince (whose only weak side was to be carried away with women, which had wasted his body, being only fifty-five years old when he dyed) indued with many royal qualities, of whom the Divine Providence had taken a speciale care; witness his miraculous escape at Worcester Battle, his treatment in the Royal Oak when thousands were rummaging the feilds in quest of him; his restauration being without one drop of bloodshed, so that the Turkish Emperor said, that if he were to change his religion, he would only do it for that of the King of Brittain's God, who had done such wonderful things for him. His clemencie was admirable; witness his sparing two of Cromwell's sons, one of whom had usurped his throne. His firmness in religion was evident, for, in his banishment, great offers were made to restore him, if he would turn Papist, which he altogether slighted. A star appeared at noon on his birthday. He was a great mathematician, chemist, and mechanick, and wrought often in the laberatorie himself; and he had ane natural mildness and command over his anger, which never transported him beyond ane innocent

puff and spitting, and was soon over, and yet commanded more deference from his people than if he had expresst it more severly: So great respect had all persons to him. He was burried 14th September, 1685, privatelie in King Henry the Seventh his chapell, Westminster, the Prince of Denmark being chiefe mourner, having desired to be burried privatelie.

King James ordered the Dutches of Portsmouth to leave England till she paid all her debts, because she was transporting 50,000 lb. Sterling in gold and jewels, which was seized by the collectors of the customes. She had a great estate before her also in France, 1685.

Queen Mary, wife of King James the Seventh, was not crowned with the Imperial Crown of England, but there was a new one of gold made of purpose for her worth 300,000 lb. Sterling, and the jewels she had on her were reckoned to a million, which made her shine like ane angel; and all the peeresses were richly attired with their coronets on their heads. The King and she both were crowned 23d April, 1685, being St George's day. *Nota.* The crown of Scotland is not the ancient one, but was casten of new by King James the Fifth. * There

* The lower and circular part or diadem of the crown of Scotland is judged by antiquarians to be of the time of Robert Bruce. The circular arches, by which it is surmounted and closed, are of James the Fifth's time, as appears from the charac-

was a poem made on the coronation by Elkena Setle, formerly the poet for the Whiggs, wherein he mentions Gibby Burnet's reforming pupills, as Shaftesberre, Essex, and Russell, to be gnashing their teeth in hell, at the news of King James's coronation.

A monstrous child born by a shoemaker's wife in Selkirk, having two heads, two hands, two feminine privities, and under that, the shape of any other child, April, 1685.

King Charles his statue sett up in the Parliament Close on horseback, 16th April, 1685. *

That notorious villain, Dr Oats, the grand evidence in the pretended Popish Plott, being convict of perjurie, and many other crimes, 16th May, 1685, was sentenced to be degridat of his priestly office, to be two severall dayes scourged; to stand in the pillary three severall dayes; to pay 1000 merks Sterling of fine for each perjurie; and to suffer perpetual imprisonment, and to be pillored yearly three times; since by his evidence the lives of Vis. Stafford, Colman, and many others were taken away. See more of him in the Tryall, 1685.

King James complains to the Dutch Ambassador, that they had furnisht Argyle with arms for invading

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ters inscribed upon them. The gold of these arches is of a different alloy, and inferior in purity to that of which the diadem is composed.

* Where it still remains in undiminished beauty, but now requires frequent repairs.

Scotland, and they offered to emmitt a declaration dischargeing exportation of arms for three moneths, which was like ther other villainies, for they knew he neidit no more, haveing given before 20,000 arms. And the Prince of Orange sent a letter to the King, offering to shipe the three Scots regiments for his Majestie's assistance, (which he, lyke a villain, as the Dutch, his masters, wes),* would have sent over to ruin Monmouth, who was comeing to invade Ingland, as well as Argyle had done Scotland; because he knew England was for Monmouth, and he feared, if he had prevailed, would have ruined his project of usurping the English crown. But Argyle being defeat, Captain Burd was sent with his ship to retard the regiments overcomeing, whom he fand at St Eb's Head.

There fell a contest betwixt Captain Mackenzie, son to the Bishop of Orkney who was designed to be adjutant to Drummond, Provost of Edinburgh, as Colonell of the militia there, which Lieutenant-Colonell Adam Rae said was his province. This Mackenzie resented so highlie, that he battoned Rea on the head of the regiment, because he got not the post.

It was thought very odd, that in the Duke of Gordon's march to Innerury, one night his horse, and all the heritors with him, took such a madnes as

* This passage also seems one of Milne's virulent Jacobitical effusions.

some to break their necks, and others to wound themselves. This seems a fiction.

Cameron of Locheal's men, through mistake, fell on a partie of the gentrie of Perth, commanded by John Graham, generall post-master, and killed five of them, viz. Pearson of Kippon-Ross, Dog of Ballingrew, Linton of Pitendrich, &c.

The 17th June, 1685, the King's ships took Argyle's ships, with his arms and amunition, and the fort of Ellangreg, with his standart, which was sent to the King, with this motto thereon, for God and Religion, against Poperie, tyrranie, arbitrary government, and Errestianism. He had laid a traine to blow up his ships when they should have been boarded by the English; but it was discovered. It was a mischievous project. Argyle proposed to fight the forces under Earl of Dumbarton, (who were fatigued.) But Sir John Cochran and Polwart, (who had ane accumulation of reasons against every thing was proposed, being never satisfied with any thing they met with,) were against the same, as they were against his going to Glasgow, where he had weel-wishers. So Argyle left them, and bad them shift for themselves. And Sir John Cochran and 300 men entrenched themselves in a fold; wherein, being attacked by Lord Ross, and the brave Captain Cleland, the last was killed. Wallace of Cragie and Sir Adam Blair were wounded; and the rebells made their escape in the night, and disperst near the

town of Paisley. Argyle himself being alone on a little pownie, was overtaken by two men of Sir John Shaw's, who would have had his pownie to carry their baggage; thereupon he fired a pistoll at them, for he had three on him, whereof I have two, which I got from his son-in-law, the second Marquis of Lothian, and thereafter took the water of Inshenan. But a webster dwelling there, hearing the noise, came with a broadsword, and while the other two were capitulating with him, told him to go for some gold. The weaver being drunk, would not part with him; whereon Argyle offered to fire on him; but the powder in the pan being wet in the water, would not fire, whereupon the webster gave him a great pelt over the head with his sword, that he dampt him so that he fell in the river, (here the curses of his many creditors whom he had defrauded are brought to remembrance), and in the fall cryed, Ah! the unfortunate Argyle. He was tane to Sir John Shaw's, who knew him, albeit he kept on his beard since his escape out of Edinburgh Castle, 13th December, 1661, and had a blew bonnet on his head.* He gave his purse of

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* The following stanzas of a song, in which the tragedy of Argyle is turned into ribald humour, occur in Mr James Hogg's interesting collection of Jacobite Songs:

Three bonny lads were Sandy, Claud Hamilton,
And Andrew Grier, the captain that led them on.
Then for the lads it proved a fatal day,
Argyle was ta'en, and a' his men ran away.

130 guineas to Sir John, (conform to the law of war,) and was taken to Glasgow Tolbooth. Collonell Ayloffe was taken with him at the same time, whose fa-

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When Douglas jived him,
Rived him,
Drived him,
And of all hopes his stars had deprived him;
Routed him, flouted him,
The deil biggotted him,
And now the states a rope have allotted him.

On June the fifteenth, oh! 'twas a fatal day,
Archibald fled, and a' the rogues ran away.
In a disguise the loon thought to shun his fate;
Three bonny boys stopped him on the gate,
In a blue bonnet,
On it
One hit
Such a braid gash as made him till own it.
"O spare me, disarm me,
And do no more harm me,
For I am Argyle, the head o' the Whig army.

"Quarter! oh, quarter! I yield myself prisoner;
Here, take my sword too, that useless tool of war.
Footmen and horses, now I all give you o'er;
Dumbarton's forces no man can stand before;
But they will fight him,
Right him,
Fright him,
The proudest foe will put to the flight him;
Thunder him, plunder him,
Dash all asunder him,
And make Argyle himself truckle under him."

Thus having yielded up baith his sword and durk,
These bonny boys conveyed him to Edinburg;
Where with a train he enters the Water-gate,
The hangman walking before him in muckle state,

ther being a citizen of London worth 2000 lb. *per annum*, he mortgaged the same for King Charles the First's service; and not being noticed after the Restauration, this turned the son republican, who went to Holland, and came over with Argyle. He was sent to England, where he was executed. His life was offered him if he would have discovered associats as Sir John Cochran did; but refused to endanger other lives for preservation of his own. He dyed compostly, and prayed for the King, about September or October, 1685. He is not put into the Whig's Martyrologie, because he prayed for the King. But only by way of notandum, he gave himself two wounds when taken by Graeme of Dougalstoun's men, who took him and maltreated him.

Argyle was brought from Glasgow to Edinburgh 20th June, 1685, near ten at night, to the Water-Yeat, where Captain Grahames companie of the Town Guard met him, and the hangman tyed his hands behind his back, and then went before him, (some would have had him as badly used as Montrose was in 1650, which was not allowed), and came upon his feet to the Castle; but it was ordered to be so late

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With a hemp garter,
The martyr
To quarter,
And by the lugs to cut the loon shorter.
The same fate ever wait
To crown the rebel's pate,
And all such traitors as dare oppose them.

that he might be litle seen or gazed upon by the mobb. The Councill writts to the King how he should be disposed off, who, by his letter, orders him to be execute within three days after their recept of his; but leaves the manner to themselves; and he is called before the Justiciarie 29th June, who intimats his old former sentence to him; and orders him to be beheaded nixt day, and his head to be sett on the Tolbooth, fixt on a high pole; which wes accordingly done. There was a great debate, whither to hang or head him; but the last carried; however, Lord Kinnard caused mark his vote for hanging. He was beheaded 30th June, 1685; (his father, that abominable traitor, the Marques, wes beheadit 27th May, 1661). He had all civilities imaginable put on him, and allowed eight mourners on the scaffold, viz. Lord Maitland, his son-in-law, to whom he gave a paper of advice to give to his daughter, Montgomery of Skelmorlie, Campbell of Skipnage, Campbell of Dunstaffnage, Campbell of Ellongrigg, &c. He came in a coach to Town Councill, and frae that on foot to the scaffold, with his hat on, betwixt Mr Annand, Dean of Edinburgh, (to whom he gave his paper on the scaffold, and who weeped sore in the Councill House when he gave him ane exhortation, beginning, This day there is a great Prince falling in this our Israel, &c.), and Mr Laurance Charters, late Professor of Divinity in Edinburgh Colledge, was on his left hand, whom he particularlie called for. He was somewhat astonished at his first sight of the Maiden, therefore

he caused bind a napkin on his face before he approached, and then was led to it. His body, after the separation of his head therfra, started upright by the agitation of the animal and vital spirits, till held down by his friends, and the blood from the juglar veins sprang most brisklie. It was very observable, about the very time of his execution, his grand-child, eldest son of Lord Lorne, after Duke of Argyle, threw himself over a window in Lethongtoun-House three stories high, and was not the worse. * Its said this Argyle rejoysed greatly at bringing up the great Montrose in a dung-cart 1650, where all the disgraces the then helish goverment could invent were put upon him. Rumbold said he thought all the stock Argyle had for this undertaking was about £12,000 Sterling, a great part whereof he got from one Mrs Smith, ane English widow in Amsterdam. *Queritur*, Whether or not this was the widow that Burnet, Bishop of Sarum, married ?† Some say, that Home of Polwart, Pringle of Torwoodlie, and Mr Gilbert Eliot, wer sent to Geneva and other Protestant churches in Germany, and got supply as being for persecuted Protestants in Brittane. Argyle was sore blamed for bringing several vitious persons with him, as Collonele Rum-

* The child who had this remarkable escape was afterwards the famous John Duke of Argyle and Greenwich.

† This malicious query, which Mr Milne has inserted, may be safely answered in the negative. Burnet married Mrs Mary Scott, a Dutch woman, but descended of an honourable Scottish family.

bold, the Malster,* (who was taken at Lasmanago by Hamilton, younger of Raploch, and his militia-men, whom he mawled very sore, until he shot his horse under him). He wes Republican from his infancie, and wes a lieutenant in Cromwell's army, wes also at Dunbar, and by the discoverie of the Ryhous Plot in 1683, wes found to have undertaken to kill King Charles the Second, and his brother the Duke of York, at Ryhous, in April, 1683. He was brought to Edinburgh 22d June, 1685, and at the Water-Yate was put on a hurdle, with a rope about his neck, to Edinburgh Castle. He expected present hanging, but got a fair tryel on 26th June, and was hanged in the efternoon of that day. (Sie Whigs' Martyrologie in 8vo.) Argyle had also in his retinue two of Archbishop Sharp's murderers, Balfour of Kinloch and ane Flyming in King's Kettle. Some said he had also with him Collonell Ludlow, who was ane of King Charles the First his murderers.

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* The proprietor of Ryehouse, in which Charles and his brother were to have been attacked in 1683. From the loss of one eye, and his daring spirit, Rumbold was called Hannibal among his associates, and Dryden, in the Masque of Albion and Albanius, terms him the Holy Cyclops. He was a republican in principle, the very model of one of Cromwell's old troopers, bold, inflexible, and fanatical. He had been in most of the distinguished actions of the Great Civil War. Although attacked by a large party, they could not secure him until a peasant came behind him with a pitchfork and turned his steel-cap off his head; on which the old soldier exclaimed, "O cruel countrymen, to use me thus when my face was to mine enemy!"

James Steuart, that arrant rogue, (after Advocate to Queen Ann,) son of that nefareous villan, Sir James Stuart, sometyme Provost of Edinburgh, a bitter enemy, (in conjunction with the Marquis of Argyle,) said this Argyle would ruine all in his going to the Highlands with his ships and forces, wheras he should have landit in Galloway. Stewart wes to come with him, but when he understood he wes to land in the Highlands, he refused to accompanie him.* The Concill having mett 25th June, 1685, at Edinburgh, in obedience to the King's letter, ordaining them to execute the sentence of death against him within three dayes efter recept of the letter. And they ordain him only to be headit, and his head affixt on Edinburgh Tolbooth; which wes done 30th June, 1685.

Sir John Cochran, and his second son Waterside, and ane Dunbar, a surgeon, wer taken, haveing fled to ane old tower-house of his father's in Renfrew, called Cochran, where his uncle Gawen lived, (whose wife was sister to Captain Clelland, a gallant soldier, who was killed by Sir John and his partie.) She received him courteously as Jael did Sizera, but sent to some dragoons near by, who came and seized them; but thereafter her husband dismissed them, having

* In which prudent conduct, as upon other occasions, and particularly in professional business, if the tradition of the Scottish bar be correct, he merited his popular appellation of *Jamie Wylie*.

(it seems) brybed the dragoons. They were brought to Edinburgh 3d July, 1685, and ignominiouslie conducted throw the streit therof, fettered and bare headit, the hangman going befoir; and yit Sir John came with a statelie unconcerned paw.

The famous Mr Baxter, a nonconformist, fined 500 merks Sterling for seditious annotations on the New Testament, and imprisoned till he pay it, and find baill for his good behaviour for seven years to come, 1685.

Gilbert Burnet, his Historie of English Reformation. A motion in the House of Commons for answering thereof, and other unlawful books, 1685.

The Duke of Monmouth landed with three ships and 150 men at Lyme in Dorsetshire, near the Isle of Wight, where he knew the populace were well affected to him, 10th June, 1685. There came out a proclamation for giving his apprehender 5000 lb. Sterling, and the Parliament besides attainted him. Some of his ships were tane at Lyme, and therein 5000 stand of arms. The Duke of Albemarle (Monk) defeats a partie of his men near Tanton, amongst whom one Bisset, the son of an old rebell in this town, was killed, and ane Lieutenant Moncur, on the King's side. Another of his parties, (whereof Captain Mathews, son-in-law to Sir Thomas Armstrong, wes commander of 200 men) defeat by the Earle of Feversham, Earle of Pembrok, and Lord Churchill. The rout of Argyle sore discouraged his army, (who were about 7000 bad armed rable.) He assumed the title of King, and,

as such, wrott to Duke of Albemarle, (who died in April 1688,) commanding him, on his alleadgeance, to desert the usurper, who had poisoned his brother, his father, who wes lawfully married to his mother. He made Mr Robert Ferguson* his secretarie, and one Mr Richard Goodenough his High Thesaurer. And, on a Sabbath day, in imitation of Cromwell, he formallie preached to his armie. Yet, after all, he was totally routed, and fled with fifty horse. The honour of the victory wes ascribed to the Earl of Dunbarton's Scots regiment, (being himself in Scotland.) Captain Robert Hacket took Monmouth's standart, with his motto in gold letters, FEAR NON BUT GOD. This fell out 16th July, 1685. Lord Lumlie's men took Lord Gray; and there were slough-hounds who found out Monmouth sleeping in a dry ditch, covered over with bushes, not being in bed since his landing, or his cloaths put off. When he was pulled out he could neither stand nor speak sensiblie, being so drunk with sleep. He was in a gray frize coat; he had his George, the badge of the Garter, in his pocket, with 200 guineas. In the action there wes about 1500 killed, and 300 prisoners, wherof severalls were immediatilie hanged at Tanton and elswhere.

On 13th July, Monmouth, Lord Gray, &c. were brought to London; Monmouth wrott several submissive letters to the King, Queen, and Queen-Duager, and Lord Thesaurer, desiring leave to see the

* The celebrated plotter.

King face to face, which was allowed him for half an hour, in presence of Midleton and Sunderland, the two English secretaries; but immediately therafter was sent to the Tower. He was execute 15th July, 1685. He was attended by the Bishops of Bath and Wells, and of Ely. He had on a dark gray coat, lyned with black; he had little discource, but studied a while on the block, and prayed; he gave the executioner some guineas, desiring him to put him to as litle pain as he could; yet he mangled him extreamly, with five stroaks, or he got off his head, being in a manner fainting himself, had not the Shirriffs threatened him. He was not drawn nor quartered as other traytors used to be. He wrott to the King craving pardon for assuming the title of King, albeit he had no pretence thereto; his father, the late King, having told him he was never married to his mother; and begged his Majestie would be kind to his children; for both they and their mother were imprisoned. It's said there was a manuscript found on him full of spells, charms, and conjurationes.* Andrew Fletcher of Salton, having come over with him, fell in a debate with ane Mr Dair, Alderman of Tanton, about a horse; and he shot Dair, which made a great breach in the armie, and

* This was in all probability the unfortunate Duke's Journal, which was kept in cypher. A part of this document is published in Wellwood's Memoirs, as a part of the Appendix. But, as often occurs in such cases, there is no trace to be found of the original whence it was taken.

with difficulty Salton won off, and fled aboard the ships. *

By Monmouth's letter to his Majesty, he would have redeemed his life with the lowest submissions, and said he could discover to him that which would make his reigne happie. But his life being denyed, he turned obstinat. The clergie who assisted him urged him annent his knowing Lady Hendreta Wentworth, who had born him several children; but he could not be convinced his converse with her was any sin, for both of them had oft prayed to God to reveal it to them, and they had still peace; and that his father, in his younger years, had chosen the Lady Buccleugh to be his wife, but Henretta was the wife

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* "Fletcher, who did not esteem times of danger to be times of ceremony, had, in his expedition, seized, for his own riding, the horse of a country gentleman, which stood ready equipped for his master. The master, hearing this, ran in a passion to Fletcher, gave him opprobrious language, shook his cane, and attempted to strike Fletcher; though rigid in the duties of morality, yet having been accustomed to foreign services both by sea and land, in which he had acquired high ideas of the honour of a soldier and a gentleman, and of the affront of a cane, pulled out his pistol, and shot him dead on the spot. The action was unpopular in countries where such refinements were not understood. A clamour was raised against it among the people of the country: In a body they waited on the Duke with their complaints; and he was forced to desire the only soldier, and the almost man of parts in his army, to abandon him. With Fletcher, all Monmouth's chances of success in war left him."—Vide *Dalrymple's Memoirs of Great Britain and Ireland, Vol. I. p.* 180. *London*, 1790, 8*vo*.

of his affection. And all the lenth they could get him to say, If it was a sin to keep her, he prayed God's pardon ther for; and so denyed him absolution or the Lord's Supper; but prayed God to accept of his general and imperfect repentance. His lady, at her first visiting him in the Tower, threw herself at his feet, and obtested him to declare, if ever she had been uneasy to him except in the affair of this woman, and disobeying his father; and if she knew any thing of his designs, (as to his rebellion), he did, with a groan, purge her thereof.* The Prince of Orange prompted him to come over, that he might fall in the expedition, and thereby make way to his usurpation of the crown of England, which he knew he could never obtain while he lived. See Bloodie Assyzes of Whiggs, part 3d, page 168, letter U, page 168, in letter W, 5t stripe.

The under Shirriff, Mr Goodenough, (who arrested the Mayor of London in 1682,) being brought in prisoner, confirmed all that Keeling the discoverer of the Protestant Plott in 1683, had affirmed, and that it was Shaftsberry his partie who, in 1682, murdered Sir Edmund Godfrey, yet laid it on the Papists.

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* The most particular and authentic account of Monmouth's conduct before and at execution is to be found in the Appendix to Mr Rose's Observations on Fox's historical work. It was copied by the editor from the original, in possession of the Buccleuch family, and by him communicated to the late Mr Rose.

The Bishop of Winchester, who had behaved himself heroically against Monmouth, got a George frae the King, to wear about his neck, as a badge of his favour; because a churchman could not be ane of the Order of the Garter. His name was Peter Mew; he dyed 9th November, 1706, aged 89.

The Duke of Albermarle his son (Monk) demitted his captainship of the King's Guards, and other offices, because Earl of Feversham was preferred to him.

Ane Captain Culpeper, having struck Cavendish, Duke of Devonshire, in the King's presence chamber, his right hand was adjudged to be cutt off, and fined in 1600 lb. and imprisoned during the King's will.

Mr Wade, one of the prisoners, said to be dead of his wounds in Monmouth's Insurrection, who was declared fugitive in 1683, as being then fled for the plott.

Generall Dalzell* buried (who dyed suddenly) splendidly after the military form, being attended by the standing forces, and six piece of cannon drawen before his herse, with his led-horse, his general's battoon, August, 1685. It was observed that few of our generalls have come to their graves without some tash; particularlie, Leslie Earle of Leven, Leslie Lord Newark, neither of them have left any heires male, and both of their estates near gone. Lieutenant-Generall Holburne, whose estate is quyte sunk; Montgomrie extinct; Monmouth beheadit; Monro, Drummond, extinct.

* This was the famous Tom Dalzell of Binns.

A barbarous murder was committed by the Whigs upon Mark Kerr, baillie at Lesmehago, for assisting to take Rumbold the Maltster; they called for his pistol and whinger, which Kerr had taken from Rumbold at his taking; and with the whinger ript up his belly, and took out his heart, 1685. *

In September, 1685, there was a great outcry against Sir Robert Sibbald, doctor of medicin, who had carried over Popish priests to the Countess of Perth, the Chancellor's lady, and perswaded her to die in that communion, having lately renounced the Protestant religion himself: he had many times taken the test, and so was perjured. He formerly made great

* This the Cameronians set down as a judgment. "Mark Kerr, one of the principal actors, and who was said to wound him after he was taken, and who, it is said, got his sword, was afterwards killed on a summer evening at his own door, (or run through by the same sword,) by two young men who called themselves Colonel Rumbold's sons; and, as it is said, went off without so much as a dog moving his tongue against them," &c. —Vide *The Judgement and Justice of God Exemplified, &c. Glasgow*, 1797, 8vo. In the same work we learn that one of the assistants of Kerr was killed by a fall from Craignethan rocks; another by the fall of a loft; another (called the Long lad of the Nethertown) broke his leg; a fourth was killed also by a fall, which seems to have been fatal to his party; and, finally, "Gavin Hamilton, who got his buff coat, (out of which Rumbold's blood could by no means be wash'd), lived a long while after a wicked and vicious life; yet his name and memory is become extinct, and the place of his habitation is razed out, and become a plain field."—*MS. ibid.*

steps towards whiggery, and thereafter was highly for church of England.

Marquis of Halyfax for mutering against Popery, is laid aside, tho he was the first that spoke against the Bill of Exclusion in the House of Peers, about October, 1685.

The 5th of November, 1685, not observed for Powder Treason.

The Lord Brandon, Gerard, eldest son of Earl of Mecklesfeild, (whose father was outlawed for treason,) is tryed and convict for the Fanatick Plott in 1683; but pardoned because of a promise the King had made to forgive him all preceeding Monmouth's Rebellion, if he was not in it; for his Majestie is ane exact observer of his word. This is about October, 1685.

Duke of Ritchmond, by instigation of his mother, the Dutches of Portsmouth, abjured the Protestant religion, 1685.

Mr Andrew Cant, minister in Edinburgh, and Principal of the Colledge thereof, dyed 4th December, 1685. He was a stout enemie to Papists and Armenians. And Doctor Monro (ane excellent man) was chosen in his place, being then Professor of Divinity in Saint Andrewes.

Sir David Falconer of Newtown, President of the Session, dyed 15th December, 1685, of five days sicknes, and Sir George Lockart got his post.

When the Theasaurer Queensberry, and Perth, Chancellor, were loading others with severall crimes

in 1685, Queensberry charged Melfort, Secretarie, the Chancellor's brother, for takeing a brybe frae Robert Mylne, and other taxmen of the customes, for getting them down 20,000 lb. Scots, which they pretended to have lost by the Tack of the Customes, whereas Charles Murray, another of the taxmen, told the theasaurer they had no loss at all; and his, the said Charles, Murray's part thereof was 5000 merks, which he was willing to give back. The theasurer said he was a knave, but somewhat honester than the rest.

The theasurer had for him the Earle of Rotchester, Theasaurer of England, Midleton and Halyfax, whom the Chancellor thought would worst him, and therefore turned papist; yet it gained the Theasurer some love of the English, that after he had on day carried the sword before the King to the Popish chappell, he came therefrae and went to the Protestant chappell. Claverhouse, after Viscount Dundee, and Balcarras, were sent for to load the Theasurer for exactions of several sums which he was ordered to repay Claverhouse, and he was put out in February, 1686.

There was a rable at Edinburgh, 31st Januarie, 1686, againest the priests who were begining to keep mass openly. They took one of them and putt a durk to his briest, till he took the test on his knees, and renounced popery. There were three killed in the quarrel.*

* This was highly resented by James, and an order, dated 9th February, 1686, declares, that the insolence of the rabble

About Januarie, 1686, the Chancellor married Mary, sister to the Duke of Gordon, relict of Urquhart of Meldrum, his last wife, daughter of Drummond of Machanie, having dyed in September, 1685; whereupon Earl of Midleton made a satyre, shewing that the Chancellor and his brother Melfort were the truest to their whores, (for it was said the Chancellor lay with Meldrum's wife, and his brother with [here is a blank in the original MS.] both whom they after married,) and falsest to their God.

Four hundred Quakers liberate out of the severall jails in England, about July, 1686.

The King gives the French protestants fled to England, his Breiffe for their relief, besides 500 lb. Sterling out of his privy purse, about Aprile, or March, 1686.

Fountinhall's two servants being imprisoned, and himself threatened therewith, and that his papers would be seized in Aprill, 1686, he was forced to hide his manuscripts, and give over writing furder memoirs till some tyme thereafter.

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had proceeded the length of affronting the King's chief minister, (Chancellor Perth, then known or generally suspected to be a papist,) and that so much lenity had been shewn towards the persons active in a crime touching so nearly the royal person and authority.

CHRONOLOGICAL NOTES

OF

SCOTTISH AFFAIRS,

FROM 1680 TILL 1701.

Out of another Manuscript of Fountainhall's, beginning November, 1683.

THE 5th November, no cannons or sermon thereon, as the Gun-powder Treason; the Bishops saying there was noe Act of Parliament or Privy Councill for observing it; yet the magistrats of Edinburgh did both ring the bells and put on bonfires; but the Bishops were wrong, for there is ane Act of Parliament therefore. The magistrats were Provost Drummond, John Johnston, Thomas Douglas, Thomas Fairholme, and John Chancellor, baillies, and Charles Morray and Thomas Young, dean of guild and theasaurer.

Ryhouse Plot, prisoners therefore, sent frae London in a ship, arrived at Lieth, 14th November, 1683, were Campbells, older and younger of Cesnock.

Muir of Rowallan, and his eldest son, and Fairly of Bruntfield, his son-in-law;

Baillie of Jerviswood,

Crawfordland,

Commissioner Alexander Monro,

Murray of Tippermuir,

Mr Spence, servant to Argyle;

Mr William, son of Mr John Carstairs, minister at Glasgow; and one Hepburn, a minister.

November, 1683, Duke Hamilton, as Sherriff of Lanerk, cited for a conventicle halden in that shire; but he having deponed that he knew nothing thereof till fourteen dayes after, the Councill ordered the Laird of Dundas, in whose ground it was kept, and other heretors adjacent, to pay 50 lb. per piece, albeit the Laird of Dundas his doers had expelled the tenent in whose house it was kept, and throwen down his house.

Mr Thomas Hay, preacher, being called before the Councill, and refuseing to depone how often he had preached and baptized since last indemnity, fined 5000 marks, and banished, 8th November, 1683.

Sir Wm. Scott of Harden, fined in 1500 lb. Sterling, for his Ladie's being at a Conventicle, and being at one himself. It was said the King's Advocate, Sir George Mackenzie, got a previous gift of this fine for journeys to London, 17th November, 1683.

Gordon of Erleston, and Mr Spence, servant to Argyle, ordered to be tortured by the King's letter, 20th November, 1683.

Laury of Blackwood, and Laurie, a procurator in Lanerk, their execution reprieved by the Councill till Aprile, 30th November, 1683.

John Reid, printer, convicted of stealling types and letters out of Mistress Anderson, printer, her house, 23d November, 1683.

John Weir of Newtown, being cited for sending provision to the Rebells at Bothwell, he was treated the more hardly, having confest, 23d November, 1683.

Gordon of Erleston being brought to the torture, and feigning himself mad, was sent to the Castle. He laid about him like a madman, so that the hangman durst not approatch, and he said that Generals Dalyeil, and Drummond, and Duke Hamilton, wer to head the Whiggs, 23d November, 1683.

Three Whigs in Clidesdale hanged for being at Bothwell. A reprieve was offered if they would say, God save the King, 30th November, 1683.

Sir James Flyming, Provost of Edinburgh, ordered to give back the fines exacted frae the Whig burgers of Edinburgh for conventicles, to the cash-keeper, Privy Councill Records, 6th December, 1683.

Earl of Lithgow his son Lord Livingston, made Provost of Linlithgow, in place of Alexander Milne, for his negligence in executing the laws against the Whiggs, 6th December, 1683.

Argyle's printed process, with a vindication of himself, which gives a bad character of some of our states-

men, particularly Paterson, Bishop of Edinburgh, ordered to be burnt 6th December, 1683.*

The junto were Earl of Aberdeen, Chancellor, Queensberry, Theasaurer Perth, Justice-Generall, Athole, Privy-Seal, Lundy, Cester, Duke of Melfort, Theasurer-Deput Tarbat, Register, Sir George Mackenzie, King's Advocate. Thir seven, with the Secretary, if in Scotland, had the cheife management of affairs; and the designe thereof was to render the Chancellor insignificant, 13th December, 1683. So only Lord Maitland, Justice Clerk, of all the officers of state, was left out, and Perth, Justice-Generall, put in his place; some thought this turn was occasioned by the Duke of Monmouth's becoming in favour with the King his father; others say it was done by

* This was the "Case of the Earl of Argyle, or An exact and full Account of his Trial, Escape, and Sentence; wherein are insert the Act of Parliament injoining the Test, the Confession of Faith, the old Acts of the King's Oath to be given at his Coronation; with several other old Acts, made for establishing the Protestant Religion. As also several Explications made of the Test by the Conformed Clergy; with the Secret Council's Explanation thereof. Together with several Papers of Objections against the Test; all framed and emitted by Conformists; with the Bishop of Edinburgh's Vindication of the Test, in answer thereto. As likewise a Relation of several Matters of Fact, for better clearing of the said Case. Whereunto is added an Appendix, in Answer to a late Pamphlet called a Vindication of his Majestie's Government, and Judicatories, in Scotland, especially with relation to the Earl of Argyle's Process. In so far as concerns the Earl's Trial." *Printed in the year* 1683, *fo.*

Dutches of Portsmouth, but certanly the Duke of York's moyen hes not been then great, since hereby the Chancellor Aberdeen got a stroak under the fifth rib.

Gordon of Earelestoun reprived to [the] last fryday of January, 1684. Some were for his execution, others not, alleadging thereby soul and body might be killed, (he being alleadged mad.) But the Advocat Mackenzie was for execution, December, 1683.

Mr George Campbell, and Gray of Creichie, (who wes efter Lord Gery,) sent for by the Councill to decipher Argyle's letters, 19th December, 1683, see 10th line hereafter.

Morison of Boignie haveing called Mr George Alexander, advocat, a cheat, is fined 100 merks, and ordered to crave Alexander's pardon in the Lords' presence, and ly in prison during their pleasure; but Boignie absconded, 22d December, 1683.

Johnston of Hilton killed by Mr William, brother to Earle of Home, 26th December, 1683.

Ross of Achlossin staged for adultry with the Countes of Montieth, 1st January, 1684.

Mr Campbell and Gray having deciphered Argyle's letters, and thereby Lord Maitland having been found to have been trafiqueing with him, his papers were seiled; this was done in odium of Earle of Aberdeen, because Maitland was now on his side, and assisted him in stoping Claverhouse decreit against Earle of Lauderdale, 1st January, 1684.

Mr Anthony Shaw, and another indulged minister silenced, and not to preach under pain, for not reading the declaration about the plott, recepting the rebells preaching in a kirk-yeard, which is nixt to a feild conventicle; and if they found not caution to obey, they are either to ly in prison, or be banished, in their option, 3d January, 1684.

The King's letter annent Argyle's estate, wherein he declares he will not alter what he had appointed anent the payment of his children's portions; but as to the creditors, he altered the method thus far, that with the Lords of Session their Dilligence is to be considered by the Theasurer and his Depute, and they to rank them and to give them his lands, redeemable from them by the King at 18 years purchass, 2d January, 1684.

Alexander Lessly, agent and writter, being killed in Aprile last by Ogilvie of Logie, Logie craves a precognition, whereby he would prove provocation, in so far as he judged Lessly had debautched his wife, and made her believe that he was poxed, so that she refused to ly with him, and that Lessly discharged the first pistol at him. This was in order to gett a recommendation for a remission to him; but Earle of Aberdeen, Chancellor, opposed it, saying, he way-laid him, (which was true), and murdered him, 10th January, 1684.

Cunningham of Boquhan, cited for converse and receipt, continued to Aprile nixt, 18th January, 1684.

Claverhouse insists against Earl of Lauderdale, for disponing to him conform to the King's letters, the house and parks of Dudhope, with the constabulery of Dundee, he paying 20 years purchass therefore to Earle of Aberdeen, Chancellor, to which 20 years purchass Lauderdale on his transaction with the Chancellor was assigned. *Nota.* Clavers had a gift of 4000 lb. Sterling, of the sum contained in the decreet, recovered against Lauderdale for malversations in the Mint, 24th January, 1684.

There is ane action persewed by Hew Wallas of Ingliston, against William Baillie of Torwoodhead, allias Lord Forrester, for the house and yeards of Corstorphine, and for assuming the title of Lord Forrester, whereunto he hade no right, seing that title was given in 1633 to Sir George Forrester of Corstorphine, and airs male of his body, which failing, to his heirs male whatsoever. *Ita est* this Torewoodhead is descended only by the said Sir George his daughter, and not the eldest either, but the fifth, so that he is not *agnatus*, but only *per cognationis* related, the lyne being cutted and interrupted by daughters, so that the title is either returned to the King, or else belongs to the said Geo. Lord Forester his nearest agnat. It was answered to the first, that the Lords of Session their decreet of Repossession not only repones him as apparent air to the house and yeards, to the parks and others, wherein James Lord Forrester dyed in the natural possession thereof, when sticked in August, 1679, by his wife, Chris-

tian Hamilton, (his first ladie's neice,) relict of Mr Nimmo, somtyme Collector of Aberdeen.* But, *ita est*, it is offered to be proven, that he was in the possession of drawing the teinds, &c. As to the 2d *esto*, the Lord Forrester's patent was *heredibus masculis*, yet that might admitt this sence and interpretation, that they were *masculi*, it wes sufficient, whither *per filium vel filiam procreati sint*, (but this impinges on the principles of Law,) and though he was come of the youngest daughter, yet the title devolved to him, and not to the elder, because he was heir of Tailzie expressly destinat by his grandfather. All the other daughters being then *forisfamiliat*, or married before 1648, and on this Tailzie resignation was made and accepted by the King, and infeftment followed. But the resignation carries lands, yet honours and dignities pass not that way, without his majesties speciall knowledge and warrand.

2*do*. Albeit his uncle James, Lord Forrester, possesst that title 19 years, and was owned by King and Parliament as a temporal lord, and is named as such in the Act of Parliament, 1661, about the King's annuity furth of the Excise, and is named one of the Commissioners of Excise for Mid-Lauthian; and in 1672, he obtained a decreet of Parliament against the Lady Bramford, under title of Lord Forrester; as

* For a minute and curious account of the murder of Lord Forester by his incestuous mistress, see Note upon Kirkton's History of the Church of Scotland, p. 182.

also gets ane Imposition for ane high-way, and he sits in all Parliaments; and his nephew may very well continue the possession till he be legally debarred by a declarator before the Judge Ordinary. As to what concerned the house, &c. of Carstorphin, Wallace hade the better of him; and as to the title of honour, (which was quarrelled by the King's Advocate,) they ordained Torwoodhead to adduce what documents he had, for evinceing the right that James Lord Forrester had for assuming that title; for tho' of old our nobility had no patents but possession and the King's tollerance, it was not so of late; but those who were created noblemen, or were called to parliaments, their creation was by patent. The last Lord Forrester made a strugle about his peerage with others; but word was sent him he was no lord at all, and at best only temporary during life, and he had lost his patent before it past the seals, and this Torwoodhead, in June, 1681, voted at the election of the Commissioners of Stirlingshire to Parliament, and his vote being questioned as a Lord, he, before the committee of the elections, disclaimed his being one; yet a man who has right of blood, finding his fortune low, may refuse a title of honour due to him, and thereafter when he thinks himself more able to support the dignitie, he may assume it. This action is before the Privy Councill, 24th January, 1684.

Nota, his voting at the election of the Commissioners for Stirlineshire, was a passing from his peerage.

Earle of Loudon, Lord Melvill, and Sir John Cochran, cited at peer and shore of Lieth, being out of the countrie, 26th January, 1684.

Laurie of Blackwood hes remission presented, for receiting of rebells; but in respect it was qualified with taking the Test, which he having refused, is ordered to be banished, but allowed to stay ane yeer in Scotland, for clearing his accompts with Marquis of Douglas, and being ane old man, he may after get a prorogation, 7th February, 1684, which actually was granted.*

The King approves of fineing Sir William Scott in 27,000 merks, for his wife's being at conventicles. Earl of Perth went to Court, and got the same done in order to turn out Earle of Aberdeen, Chancler, who was againest the same, as was also Earl of Halyfax in England, and his party; and the King himself inclined in generall that husbands should not suffer for their wives' faults, 12th February, 1684.†

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* This man is sometimes called Laurie, sometimes Weir of Blackwood. He had been Chamberlane to the Marquis of Douglas, and seems to have been a man of bad character. He was sentenced to death, but was not executed.

† Sir William Scott of Harden was forced to compromise and pay (what in those days was an enormous sum) L. 1500 Sterling. As he was only fined for his wife's delinquencies, he proposed to the Privy Council, to relieve him of that responsibility in future. But the Privy Council held, that husbands were to be esteemed masters of their wives *de jure*, whatever might be the case *de facto*. See *Fountainhall's Decisions, vol. I. p.* 302.

The King having conveened his Scots Councill at London, Mure of Rowallan tane out of Edinburgh Tolbooth, (being unwell) and confined to a house in Edinburgh, February, 1684.

Mr Hugh Dalrymple, ane of the Commissioners [Commissaries] of Edinburgh, being takeing witnesses depositions for Earle of Mintieth against his lady, whose advocate, Mr Æneas M'Pherson calling him partial, he sent M'Pherson a challenge to fight him, (albeit he might have sent him to prison.) The Councill found him as guilty in accepting as the Commissary sending the challenge, and ordered him to crave the Commissary's pardon, and confined them both sometime; and then laid M'Pherson in jayle for a short time, 12th February, 1684.*

Sir James Rochead, haveing disponed the half of the Clerkship of Edinburgh to James Hamilton, (he was efter Lord Pitcaitland) the time Sir James was prosecute by ane opposite faction in the town of Edinburgh against him. Its said Hamilton payed therefore 1000 lb. Sterling, 14th February, 1684.

Mr Ezekiel Montgomerie of Witlands, Shirreffe-depute of Renfrew, being conveened for many oppressive acts, in order to get money to himself, Sir William Paterson and Mr Thomas Gordon, wes imprisoned, tho he offered caution which wes sufficient unless the crym lybelled were proven. But this wes done to make him tell what part of the spoile he gave

* See Fountainhall's Decisions, vol. i. p. 270.

Mr Thomas Gordon to Lord Chancellor Gordon thereby, 14th February, 1684.

Martine, a Nottar and Schoolmaster, and other two, condemned at the Circuit, and hanged, 22d February, 1684. They were offered their lives, but refused the same, being ingrained Whigs.

Sir Patrick Lyon, Lord Carse, admitted ane of the Lords of Justiciary, in place of Fowlis of Colington, made Justice Clerk in place of Lord Maitland, 25th February, 1684.

Lord Aberden Chancellor has ane oppressive persute against Forbes of Tolquhon, about a moss, 27th February, 1684.

Mr John Dick, who escapt out of Edinburgh Tolbooth, 15th February, 1683, was apprehended in Edinburgh, and Mr John Rae, a phanatick preacher, with him. Dick was sentenced before his escape, to be hanged for being in rebellion, and owning treasonable principles; so he was ordained to be hanged 5th March, 1684.

Letter frae the King annent Argyle's signator, to the Councill, declareing that it was not his meaning that Argyle's vassals should fall under his gift in favors of the creditors; for the vassals, by the very clauses of warrandice contained in their charters from Argyle, were creditors as well as the rest were; yet this does not determine whither the unconfirmed vassals propertys shall fall under the forfieture or not; for those, it may be, are reserved to be the foundation of a new donation from the King in favours of some

statesmen, so that it was not fully agreed whither this letter meaned a favour to the vassall or not, 5th March, 1684.

MacLeland of Borscob being killed by Grier and other two, they are assolzied, as being in selfdefence, 10th March, 1684.

Duke Hamilton obtains a decreet against Mr John Ellies of Ellieston, for the lands of Ellieston being in nonentry. And Mr John had gotten from the Usurper, charter and saising, when the estate of Hamilton was sequestrate, could not defend him against the nonentry. *Nota.* It was talked that Mr John Anderson, writter to the signet, who marryed Ellies' daughter, betrayed his father-in-law to the Duke for filthie lucre, which is all gone; and hes litle peace with his wife and children, 12th March, 1684.

Mr Ezekiel Muntgomery liberat by Chancellor Gordon's moyen; and Lord Blantyr is cautioner to produce him, under pain of 1000 merks; but after fled, but was taken and imprisoned, 12th March, 1684.

Richard Murray of Brughton denounced fugitive for not compearing, for forgerie, at the instance of Sir Robert Crichton, alias Murray, 17th March, 1684.

Straquhan of Glenkindie having murdered his own servant, for which being criminally pursued, and he having caused the witnesses to abscond, the Lords of Justiciary obliged him to give a band to produce them under pain of 20,000 merks, and he having failed, his band is forfiet, and assigned to Sir William Sharp,

cash-keeper, by the Lordis of Theasuary, 18th March, 1684.

24th March, 1684, was the tryall of Hugh Campbell of Cessnock; it lasted longer than any since the Restauration, for it took up a day and three full afternoons. The Duke of York had a bad opinion of him, and suspected him (not without good grounds) to be upon the late English Fanatick Plott that brok out in June, 1683.

There were great hussa's againest the King's Advocat, there being a kind of mobb in favours of the panell, and Nisbet of Creigentry, ane of the assyzers, was sanguine for him, for which there was a lybell afterwards raised against him. Sir Patrick Maxwell of Springkell, Barronet, Somervell of Drum, &c. It was said Perth and his brother Lundy, Thesaurer-Depute, had assured the King and Dutches of Portsmoth, that they had sufficient grounds for forfieting Cessnock; and that ane of Portsmouth's sons by the King, was to get the gift of his estate. * I believe he was reallie guiltie.

Peter Crawford, merchant in Edinburgh, has a pursute against Bech for his prenteisfee, 25th March, 1684.

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* The trial of Campbell of Cesnock was one of the most infamous proceedings of the period; the court drawing forward every thing that could make against the accused. The note subjoined is that of Milne, and in his usual style of partiality.

There was a great outcry against Chancellor Gordon, for summar procedure against Forbes of Tolquhon, 26th March, stirred up by Queensberrie, Theasurer, to blacken the Chancellor.

28th March, 1684, (being Good Fryday,) the Session did not sitt. *Nota.* About this time the Session satt, in respect there was no summer Session, and the Lords went in their gowns and heard sermon. The day is injoined to be keept by the first act of Parliament 1621, ratifying the Five Articles of Perth, to be kept, as well as Christmass. The Session thir forty yeares past had not occasion to notice it, because they sat not in March till 1681, that the summer Session was tane away, and in place thereof added March.

Chancellor Gordon, being then turned whigish, Duke Hamilton having joyned him, but the bishops opposed it.

The King's remission to Earl of Lauderdal anent malversation in the mint, and to his son Lord Maitland, but clogged with two qualities: 1st, That he should perfyt his disposition to Graeme of Claverhouse; and, 2dly, He should discharge his recourse of releiffe against John Falconar, and the other officers of their mint; and bore peremptorly that thir should be performed within eight dayes after sight. And if delayed, the remission was not to pass the sealls, 29th March, 1684.

Mr John Strachan, minister at Tolquhon, being pursued by the laird thereof, who having beat the mi-

nister, *pendente lite*,* the minister is assolzied, 29th March, 1684.

There is a lybell exhibite by Katharin Bruce, sister to Blairhall, Countess of Monteith, backed by Montross and Ross of Auchlossine, for bigamie before he got a divorse frae his lady, 1st April, 1684.

The witnesses against Cesnock who first proved him guilty of the cryme laid to his charge by the depositions at a precognition ; but having denyed what they swore before, were examined before the Councill; and being interogat, Why they did so? declared that what they said first at the precognition, asserting Cessnock to be guilty, was truth ; and that they were dashed and confounded when brought to the barr before the Lords of Justicary; some nipping their legg, and others frowning and murmuring, saying, would they take that old man's blood on their head, 3d April, 1684.

Mr William Kerr, the Shirriff of Tevotdale, being dead, the Councill proposed that one might be recommended to the King for supplying that post during Earl of Roxburgh's minoritie; and the Earle's friends recommended MackDougall of Mackerstone,

* By the Scottish statutes A. D. 1584, cap. 108, and A. D. 1594, cap. 219, If ane litigant struck the other during the dependence of the lawsuit, he forfeited his cause. This, with other enactments, was intended to curb the *perfervidum ingenium Scotorum*, as lawyers called it, and to restrain their aptitude to proceed, even in matters legally contested, *par voie du fait*.

one of the Earles tutors. The Chancellor (who was Earle of Aberdeen), said he believed there would be shortly a commission down from the King, giving the post to Lord Ballenden, the Earle's uncle, and so a near relation; the Theasurer Queensberry strived, that the recommendation should have been sent without consulting the Junto, (which were set up to put out the Chancellor;) but Duke Hamilton whispered, that that was lyke 1649, to limite the King to receive addresses only by such and such persons. *Nota.* The Earle of Roxburgh got only the Sherriffship thereof upon the Duke of Monmouth's refuseing the Test; and the Duke had it only since the Restauration, 1660. But Duglas of Cavers was heretable Shirriff of old, and now the King has given it of new to this Cavers * *durante beneplacito;* and he choosed Pringle of Rowieston and Mr Richard Duglas, advocat, his deputes, Aprile, 1684.

The Lords of Session satt every day as commissioners for regulating Argyle's forfieture, and quite altered a former cast, to bring in great men (such as Athol, Drummond of Lundie, Thesaurer-depute, &c.) therefter Earl of Melfort, who had assignation for litle or nothing to Argyle's bands for 100,000 lb. Scots frae people that had no moyen; so that other poor credi-

* Accordingly the office of Sheriff of Teviotdale remained hereditary in the family of Cavers, to whom it anciently belonged, until the abolition of heritable jurisdiction in 1748.

tors, for upwards of 100,000 merks, are expunged totally, and left out, 3d Aprile, 1684.

The 8th Aprile, 1684, was the day of compearance of Earle of Loudon, Earle of Melvill, and Sir John Cochran and his son, for Bothwell Rebellion. Testificates were produced that Loudon and Melvill were sick in Holland; and besides, the Earl of Loudon durst not come home for debts. The Justiciary continued the dyet against them till November nixt, on caution.

Nisbet of Craigentinie, Sir Patrick Maxwell, and Somervell of [Drum] are conttinued for a ryot in dashing the King's witnesses against Campbell of Cesnock; but they wone off with a small reprimand, because Mr Thomas Gordon, Clerk of Justiciarie, and Mr George Drummond, after Goodman of the Tolbooth, whom they cited as witnesses against them, proved nothing material, 8th of Aprile, 1684.*

The King's Advocat continued the dyet against Wear of Newtown for treason, and Sir John Cochran, but insisted againest Sir John his second son, John of Waterside, a boy of sixteen years old, who was forfiet in absence. James Dunbar, Herauld, wes executor of the letters; the said James his oath was

* These gentlemen, thus indecently convened for occasioning a riot in the Court of Justice, were in fact jurymen, who only exercised their legal privilege of questioning the witnesses. The prosecutors seem to have become ashamed of a prosecution so unjust and scandalous.

tane on deathbed, that he had faithfully execute the same; for he dyed nixt day, 9th Aprile, 1684.

Mr Hunter, second minister of Stirling, staged for drunkeness, in spewing after he had tane the sacrament. Kenedy, Provost of Stirling, and Mr Monro, the first minister, wer his accusers, 9th April, 1684. He efter turned a buckle Beggars;* and wes suppendit, if not depryved, by the Bishop therefoir; and married, in his old age, a daughter of ane Stevenson, a gardner at Habayehall. [Quære, Abbey-hill.]

The Synod of Edinburgh meets 9th April, 1684, and, amongst other acts, renewed the Articles of Perth in the first Act of Parliament 1621, annent confirmatione of children, and [in] place of the eight year, puts in the sixteenth year before the childrens confirmation, when they will have more knowledge; and they discharge all private baptisms and marriages; and that thereafter none be in houses except in caices of great necessitie.

Sir William Scott of Harden gets his confinement to one room in the Castle, enlarged to the heall Castle, 10th Aprile, 1684.

Mr John Baird, the nonconform minister at Peasly, cited for breaking the instructions given him; is deprived, and gets [to the] 1st of May to find caution to live regularly, and forbear preaching privately, other-

* That is, one who marries without licence, or enquiry, whatever couple present themselves.

wayes to be banished, 10th April, 1684. So it seems they are wearing out the Indulged Ministers.

Mr Montgomerie, Sherriff-depute of Renfrew, gets a letter from the King, indemnifying him as to life and fortune, notwithstanding the proces depending against him, provideing he ingenuously discover what he knows of the accession of any heritors to the late Rebellion; or anent the recepting of such, or of the unlawful extortion used in the Circut Courts in 1683. This was levelled againest Mr Thomas Gordon and Sir William Paterson, & Aprile, 1684.

George Scott of Pitlochie gets a warrand from the Councill for printing his father, Sir John Scot of Scotstarvet, his Collections of Charters from the Publick Records, when he was Director of the Chancellarie, 10th April, 1684.

Sir James Flyming, Provost of Edinburgh, on his petition, gets 150 lb. Sterling allowed him out of the fines he had imposed on Conventiclers in Edinburgh when provost; he thought to have got the heall, 10th April.

The Lords of Session, as Commissioners for Argyle's forfietur, haveing received a letter of ane old date, but never produced, for Lord Lorne, whereby the King, besides the 9000 lb Scots contained in his contract of marriage, gives him 6000 lb. more, in all 15000 lb. and the other children L.9000 Sterling per annum amongst them. The creditors grudged sore thereat, as being prior creditors to his contract of

marriage for the 9000 lb. and as to the supperaddit 6000 lb. they had a *jus quæsitum* by the signature in favours of Argyle's creditores. The Commissioners were straitned, but gave Lorn a locality for his sums, a part whereof was the Isle of Mull at the rackt rentall, which his father had proven to be, and now *(justo dei judicio)* its casten in his son's lap. But they assigned this locality *salvo jure cujuslibet,* and particularly the Bishop of the Isles, who, by a decreet of certification in ane improbation, purchased right to severall lands in Cowall, 10th April, 1684.

Cunningham, Provost of Air, fined 500 merks for giving the rebells billets for their quartering in Air (when triumphant) when they surprised the town, 11th Aprile, 1684.

Patton, Captain, who had been both at Bothwell and Pentland hills, being taken, was ordered to be execute 23d Aprile instant. He behaved discreetly, and was for a time reprieved, 12th Aprile, 1684.*

The Magistrates of Edinburgh haveing given in a petition to the Councill against Sir James Flyming,

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* Captain John Paton of Meadowhead was an old Covenanter, who had been engaged in many of the battles in the Great Civil War, as well as at Pentland and Drumclog. He was redoubted for his gallantry and presence of mind, and evinced both at Pentland, particularly when attacked personally by old Tom Dalzell, whom all the world believed to be proof against leaden bullets. "Dalzell knowing him in former wars, advancing upon him himself, thinking to take him prisoner. Upon his approach, each presented their pistols. Upon the first discharge,

late provost, anent the 150 lb. Sterling aforementioned, craving that the baillies who satt with him might have a share thereof, which share they offered to quitt to the Town's use. The Councill added 50 lb. Sterling more; and named a committy to divide it amongst the whole last year's magistrates. But it's like Sir James got a double portion.

Captain Paton perceiving the pistol-ball to hoop down upon Dalzel's boots, and knowing what was the cause, (he having proof,) put his hand to his pocket for some small pieces of silver, there for the purpose, and put one of them into his pistol. But Dalzel, having his eye on him in the meanwhile, retreated behind his own man, who by that means was slain." Vide *Biog. Scot. p.* 418. *Glasgow*, 1797. After many hairbreadth escapes, Paton was at last taken, and General Dalzell seems to have behaved to him more courteously than could have been expected from the circumstances of their last meeting. "It is reported as a fact, that General Dalzell met him here, and took him in his arms, saying, 'John, I am both glad and sorrow to see you. If I had met you on the way, before you came hither, I should have set you at liberty; but now it is too late. Be not afraid, I will wrote to his Majesty for your life.' The captain replied, 'You will not be heard.' Dalzell said, 'Will I not? If he does not grant me the life of one man, I shall never draw a sword for him again.' And it is said, that, having spoken sometime together, a man came and said to the captain, 'You are a rebel to the King.' To whom he replied, 'Friend, I have done more for the King than perhaps thou hast done.' Dalzell said, 'Yes, John, that is true,' (perhaps he meant at Worcester.) And he struck the man on the head with his cane till he staggered, saying, he would learn him other manners than to use such a prisoner so. After this and more reasoning, the captain thanked him for his courtesy, and they parted." Vide *Biog. Scot. p.* 424.

A proclamation for a collection for burning of Kelso, 17th Aprile, 1684. *

Chanceller John Baillie of Edinburgh, having imported Inglish cloath to the value of 400 lb. Sterling, being the value of the cloath, (and the rather because he was concerned in the Scots cloath manufactory,† and had given bond not to import Inglish cloath;) the cloath was ordained to be burnt by the hangman, and his part in the Scots manufactory forfieted. He was dealt the more rigorously with, that he had married Forbes of Wattertoun's daughter, who was Chancellor Gordon's neice, 22d Aprile, 1684.

The Duke of Queensberrie, High Theasaurer, pursues the Magistrats of Edinburgh for dilapidation of their common good, which was levelled principally against Kinloch, Dick, and Flyming, and Sir John Rochead, Town Clerk, who went to London there-

* This beautiful little town has suffered more frequently by fire than any other perhaps in Scotland.

† The broad-cloth manufactory established at New-Mills near Haddington had high privileges. "*August 14th*, 1685. At Privy Council, an Act is past in favours of the cloth manufactory at New-Mills, dispensing with the late Act of Parliament, 1685, confirming the power of the said Act, reserved for the Privy Council, and discharging all English cloth; providing the said manufactory be able to furnish soldiers, and others, in three months advertisement. And, on the 11th September, they explained, and extended the power they gave to seize English cloth, silk stockings, gloves, &c.; to breaking up of doors, chests, and others, where they suspect these prohibited goods to be hid." Vide *Decisions of the Lords of Council and Session. Edinburgh*, 1759, *fol. p.* 368.

anent for redress, all their hopes depending on Chancellor Gordon his standing. The Theasaurer refused to allow 6000 lb. Sterling in their account, as payed to Earle of Lauderdale for continuation of a plack on the pint, unless they proved the payment; but they had no discharge thereof, but said Murray of Glendoig, Lord Register, could attest it. They charged Sir James Rochead with many vitiations and defects in the registers, and with bryberie deponed against, [him in] 1683, by one Stirling, Deacon of the Bonnet-Makers, standing recorded in the Councill Books, Aprile, 1684. The Theasaurer and his party began their journey to London, in order to defeat Chancellor Gordon, 6th May, 1684; and the Chancellor followed, 8th ditto.

Captain Patton was hanged in the Grass-mercat. He was willing to have taken the test, but a quorum of the Privy Councill could not be had to reprieve him, 9th May 1684.*

A woman in Lieth hanged, 9th Julie, for attempting to burn her nighbour's house, and to poison a woman with whom she judged her husband was familiar.

The Earle of Aberdeen, Chancellor, being putt out, the Earl of Perth succeeded.

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* This was brutal enough, especially as a quorum would have been easily collected for the purpose of hanging him. An old judge, Lord Nairne, was dragged out of court to vote for Argyle's condemnation in 1682.

Nicolson of Carnock is served heir of line to the Lord of Naper, in right of his mother, who was the last Lord Naper's sister; and is to take the name and armes of Naper, in June 1684.

Sir Richard Graham, Lord Preston, being ambassador for our King at France, the Convention of Burrows sent Mr William Aikman of Carny, Advocat, to deal with him to get the 50 souse per tun on Scots goods discharged, June 1684.

Queensberry, Thesaurer, and Perth, Chancellor, and their friends, arrived at Edinburgh frae London, 10th Julie, 1684, haveing carried all things against Aberdeen, Chanceller.

Collonel James Douglas, brother to the Thesaurer, made Collonell of the Foot Guards, in place of Lithgow, made Justice Generall [he after proved ane arrant traitor to King James the Seventh; and his memorie is cut of,*] 10th July, 1684.

George Drumond, Provost of Edinburgh, knighted.

Perth, Chancellor, admitted Shirrif of Edinburgh in place of Aberdeen, late Chancelor, whose deputes were Mrs Charles Gray and David Drummond, Advocats, in place of the two former deputes, Mr William Fletcher, and Mr Thomas Skeen, 16th July, 1684.

The Earl of Monteith got a divorse from his Lady, Blairhall's sister. It was alleaged Ross of

* A note by Mr Milne.

Achlossen, Mr Feilding,* and others, had lyen witl her; and her Lord having raised a criminall proces against her, and she not being able to find caution, was forced to abscond, and was denounced fugitive; and the Earl having agreed with Earl of Montross upon disponing his estate to him; and also agreed with Achlossin, not to pursue him for bygamy, he gave him and Mr Æneas M'Pherson 5000 merks, July, 1684.

Menzies of Weyme, Campbell of Glenlyon, and Colonel Menzies, brought prisoners to Edinburgh, on suspicion of corresponding with Argyle, but were liberated on caution, 22d July, 1684.

Mr Alexander Hygins, Advocat, made Collector of the Lords of Session's rents, in place of Robert Hamilton of Presmenan, and his son James, who demitted, 22d Jully.

The Laird of Mackffarlan ordered to be warded in Dunbarton Castle, for having thirty stand of armes in his house, which was suspected to be for Argyle. But having made it appear that he got them only to keep, when the King's forces went [*sent*] against the Macleans, (by Argyle's procurement), were disbandit, and

* The famous Beau Fielding, an Englishman. He was a very handsome man, and survived (as more frequently happens in the other sex) his personal beauty, without losing the recollection of it. He is ridiculed in the Tatler. In a fray in the theatre, he received a slight wound, and stepped forward to present himself in a languishing posture before the ladies.

that he had refused to give them back to Argyle; he is liberat, 22d July, 1684.

Lord Niel Campbell, the Earl of Argyle's brother, confined within the town of Edinburgh, and fand Earl of Louthian, his brother-in-law [Lieth,] and Scot of Thirlestone, cautioners for his appearance.

Mr William Spence, late servant to Argyle, is tortured by boots, to force him to reveal what he knows of the Earle's and others accession to the late English Fanatick Plott, and a design of rebellion; and in regard that he refused to depone if he had the key whereby he could read some letters of the Earle's produced by Major Holmes, in sypher; and seeing he would not depone that he could not read them, and that they offered him a remission; it rendered him very obnoxious, and suspect of prevarication, so that after the torture he was put in Generall Dalyell's hands; and it was reported, that by a hair shir and pricking, (as the witches are used), he was five nights kept frae sleep, till turned half distracted; but he eat very little, of purpose that he might require less sleep; yet never discovered any thing, 26th July, *et diebus sequentibus*, 1684.

Mr George Banerman and Mr Robert Colt, Advocats, made conjunct Solicitors, in place of Sir William Purves and his son, whose place the King recalled, July, 1684.

Mr Colin Mackenzie, Advocat, made conjunct Clerk of Councill, in place of Patrick Menzies dead, with Sir William Paterson, (who payed a sum of

money to keep himself that post, as Mr Thomas Gordon had also done, to the Dutches of Portsmouth, to secure him in place of Criminall Clerk,) and Paterson turned out Hugh Stevinson from being under clerk, and put George Rae in his place.

Some of the King's forces bringing in 16 prisoners, the Whigs attacked them at the pass of Enterkine, who rescued some of them, others were slain, two broke their neck, and two brought to Edinburgh; and there was one or two of the forces killed, Julie, 1684.

5th of August, 1684, Gowrie's conspiracy wes observed.

Marquis of Athol made Livetenent of Argyleshire, &c. to please him for not being Chancellor, which he expected, 5th August.

There was fifteen Whigs given Robert Malloch, merchant, to be transported to Carolina, who got ten pounds Sterling per piece. Some said the Lord Cardross was gone there for debt, and cautionrie for Earle of Kincardyne, and his bigottrie for Presbitrie.

Mr James Walwood,* (formerly ane simple agent,)

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* The author of the book called Memoirs of the most Material Transactions in England for the last Hundred Years preceding the Revolution in 1688, by James Wellwood, M. D. Fellow of the Royal College of Physicians, London. Unquestionably the most curious piece of his work is the extracts from Monmouth's private pocket-book, of which he thus speaks: "But of the most things above mentioned, there is an infallible proof extant under Monmouth's own hand, in a little pocket-book, which was taken with him, and delivered to King James;

therefter turned doctor of medicine, was taken up for alleadged correspondence, and giveing intelligence to the Scots fugitives in Holland, delated by Earl of Balcarras on a private pique. But he and Hary Steuart, merchant (for the same affair) were shortly liberate, 6th July, 1684.

Mr James Cockburn, minister at Pitcaitland, demitts his kirk in the bishop's hands, to shun the further procedure in a visitation appointed at his church, for scandall, 6th Jullie, 1684.

Mr Spence, Argyle's servant, is again tortured with the thumbikins, a new invention, and discovered by Generalls Dalyeil and Drummond, who saw them used in Muscovy; and when he heard they were to put him in boots again, being frighted therewith, desired time, and he would declare what he knew; whereupon they gave him some time, and sequestrat him in Edinburgh Castle, 6th August, 1684.

The Customes were sett to Sir John Young of Lennie, and his partners, viz. Robert and Alexander Mylnes of Barntoun and Carridin, Charles Murray,

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which by an accident, it is needless to mention here, I had leave to copy, and did in part. A great many dark passages there are in it, and some clear enough, that shall be eternally buried for me; and perhaps it had been for King James's honour to have committed them to the flames, as Julius Cæsar is said to have done upon a like occasion."—*Welwood's Memoirs, p.* 171, *London*, 1702, 8*vo.*

James Oswald, Sir John Foulis, Boyle of Kelburn, Greirson of Lagg, the High Theasurer's brother-in-law, for 28,200 lb. Sterling, which was L.2,200 Sterling more than the last taxmen paid. George Galbraith and Hamilton of Olivestop bad for them, but the Theasurer was for the other, 8th August, 1684.

Gordon of Earleston sent to the Bass. Mr James Rany, a phanatick preacher, lately come from Holland, is the head of a new sett of them.

15th August, three of the rebells tane at Enterkene sentenced to be hanged; the Councill resolves, that any condemned for Bothwell, disowning the King's authoritie, or any other treason, shall be allowed but three hours, aud execute the same day sentence is pronounced. At their execution there was one Nicoll looking on, (he was ance a chapman, and had been at Bothwell,) who cryed to the hangman he would do him a mischief; who being taken, was examined, boldly disclaimed the King, owned the Covenant, and was condemned to be hanged, 27th ditto, for his being at Bothwell. King's Excomunication, &c.*

Monro the hangman beats a beggar sorely, for which he was deprived. His predecessor, Cockburn,

* It is strange how the ferocity of persecution begets in those who are exposed to it a corresponding obstinacy and pertinacity. In the present case, one may say with the jailor in Cymbeline, that "unless a man would marry a gallows, and beget young gibbets, I never saw one so prone."

was hanged for killing a beggar, 16th January, 1682; and Ormiston,* a well favoured, discreet fellow, got his post.

Burnet, Bishop of St Andrews, dyed 22d August, 1684.

Mr William Spence, † to avoid further torture, desyphered Argyle's letters, and agrees with Holmes' declaration that Argyle, and Loudon, Dalrymple of Stairs, Sir John Cochran, and others, had formed a design to raise rebellion in Scotland; and that there were three keys to the said letters, whereof he and Mr William Carstairs had two, and Holmes a third; and he approved of Gray of Crichie, efter Lord Gray, his explanation of the said letters; and Campbell of Arkinlass was apprehended by the Laird of M'Naughton. Spence got the liberty of the Castle, and recom-

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* This well-favoured and discreet finisher of the law was moreover a man of pedigree. "Above the boat is Westhouse, the old possession of the Ormistons for many years: They had a good house here, with many vaults and gun-holes on every side, after the old form. I see their names on the principal gate, 1581. They had the custom of the bridge while it was standing, and a considerable interest about the place, and in Old Melrose. It is said, that George Ormiston, late hangman in Edinburgh, was a cadet of this family, if not the representative of it; a memorandum to old families not to be puffed up with pride on account of their antiquity, for they know not what mean offices they or theirs may be obliged to stoop to."—Vide *A Description of the Parish of Melrose, pp.* 61, 62, *Edinburgh,* 1743. 8*vo.*

† Argyle's secretary, who had been most savagely tortured, as before mentioned.

mendit for a remission. And Gordon of Earlston was sent for from the Bass, to be tortured and confronted with Spence, and the Councill resolved not to admitt of his madnes for ane excuse, (which they esteemed simulat), as Chancellor Gordon had done, August 22.

The King's Letter for divideing the Councill into Lieutenencies to go to western and south shires, three of them to be a committee for a shire, for taking tryall of those that had been in the late rebellion, or disobey ecclesiasticall laws against Conventicles, with a Justiciary Circuit proper to inflict capital punishment, fine, imprison, or banish, 28th August, 1684.

The Laird of M'Intosh represents that the M'Donalds had possest a part of his lands more than a hundred years bygone; and therfor desires forces to dispossess them. But since the forces could not be spared, the M'Donalds are ordered to be cited, under pain of treason, (Privy Councill), 28th August 1684.*

* James II. favoured the Highland clans; M'Donell of Keppoch, here mentioned, had a large estate in possession, but which, in right of law, belonged to MacIntosh; while Keppoch had only the right of occupancy, which during all this reign, and long after, he made good by the sword. It may be doubted on which side the just right lay, though the law was clearly with MacIntosh. This dispute gave rise to a very sharp skirmish betwixt Keppoch and MacIntosh, in which the latter, though assisted by a body of regular soldiers under MacKenzie of Juddie, was totally defeated.

An Exchequer called express, 29th August, 1684, for passing Earl Midletoun's signature of Sir John Cochran's liferent escheat, and of his son John his land of Waterside.

Patent for the Merchant Company ordered to pass the seals, 29th August, 1684.

Sir William Scot agrees with the King's Advocat, (Sir George Mackenzie,) for his fyne of 1500 lb. Sterling, 29th August, 1684.

Mr James Rany, who had headed the wild Whigs that disowned the King, ordered to be declared fugitive, 30th August, 1684.

Mr Robert Baillie of Jerviswood fined, for recepting rebells, 6000 lb. Sterline, 4th September, 1684.

Gordon of Earlston escaps out of Edinburgh Tolbooth, but is taken upon the sklaits thereof at seven at night, 7th September, 1684.

Mr William Carstairs, son of Mr John Carstairs, minister at Glasgow, brought before the Secret Committie of Councill, and tortured with the thumbikines,* whereon he confessed, there had been a cur-

* Afterwards Principal (or, as he was jocularly called, Cardinal) Carstairs. The Magistrates, after the Revolution, made him a present of the instrument with which he had been tortured, of which there is a print in Constable's Edinburgh Magazine for August, 1817. Tradition says, that Carstairs exhibited this engine to King William, who requested to experience its power. The divine turned the screw with the delicacy that might be expected when a clergyman squeezes the thumbs of a monarch. William, feeling no great pain, upbraided the Principal with

37981

rent plot in Scotland for ten years, and that some were for riseing in rebellion, others for associating with the English for keeping out [the] Duke of York, and to preserve [the] Protestant religion. He particularized Earl of Tarras, Cesnocks, elder and younger, Philiphaugh, Murray, Homes of Polwart and Bassinden, Mr Gilbert Elliot, Scott of Gallowshiels, Hay of Park, Sir James Dalrymple of Stairs, Mr Robert Martine, Hamilton of Aikenhead; and some gave out the Dutches of Lauderdale, as a receptor of Argyle since his forfaulture, and furnishing him with money. Some wrongously also named Ker of Cherrietrees, Campbell of Calder, Carnegie of Bonymoon, the Laird of Grant and Brodie, Crawford of Ardmillen, Eliot of Stobs, Morray of Spot. Such of them as could be gott were putt in closs prison; and therefter Commissioner Monro, Major Monro, and Philiphaugh are first examined, and being threatened with the boots, confess their accession, which so confounded Commissioner Monro to discover others, that he desperately offered money to the goodman of the Tolbooth's men to run him through with a sword, and roared, saying he knew he behoved to do some base thing before he dyed, regrateing he had denyed

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pusillanimity in giving way under such a slight compulsitor; when Carstairs, giving the screw an effectual turn, compelled the King to roar for mercy, and to confess, that under such an infliction, a man might confess any thing. I have a fac simile of this dire implement.

it before the King, by saying so obstinatlie, and been instrumental in drawing so many upon that which would stand them both lives and fortunes; and he behooved to be a drudge and a witness against them, 6th September, 1684. Philiphaugh cast himself on the Theasurer (Queenberry's) protection.

Arkinglas confesses he sent to Argyle since his escape, 100 lb. Sterling, but finding this was treason, he desires to correct his deposition, avering it was only given to his children, and not to himself.

Duke of Hamilton opposed torturings, alleadging, at this rate, they might, without accusers or witnesses, take any person of the street and torture; and he retired, and refused to be present, on this ground, that if the party should dye in the torture, the Judges were lyable for murder, or at least, severly answerable.

Sir John Dalrymple, whose papers were seized and inspected, and himself committed closs prisoner to Edinburgh Tolbooth, and his two brethren, Mr James and Mr Hugh, put under baill, the Theasurer being incenced that Sir John would give them no discovery against the Earl of Aberdeen, late Chancellor; and that by his father's retreat he had secured his estate frae their grips, they caused bring him with soldiers, in open day, frae the Abbey, on foot as a malefactor, 11th September, 1684.

The King having made Earl of Midleton, the Scots Secretary, to be such for England, in place of Lord Godolphin, there fell a debate betwixt the Clerk Register (Lord Tarbat) and Drummond of

Lundie, Theasaurer-depute, for the Secretarie Office of Scotland; but Lundie carried it, and Earl of Kintoir was made Thesaurer-depute.

Urquhart of Meldrum's troop, (he being lethargick), Earl of Airlie reponed therto after his death.

Home of Polwart being advertised he was to be seized, fled, and after search, not being found, his Lady told he had lyen two years in prison on a caprice of Lauderdale's, and so he did not desire to run that risque of new again, not haveing a body to endure it; and it was Lauderdale's bringing down the Highland host in 1678 which occasioned Polwart speaking against him, September 11, 1684.*

Argyle's haill papers and charter-chest being found in a tenant's house in Argyleshire, putt up in eight puncheons or barrels, September, 1684.

The persons following are separated, and sent to the prisons following; Cesnock and Mr John Rae, a minister, sent to the Bass; Commissoner Monro to Stirling; Earleston and Park (Hay) to Blackness; Weir of Newtown to Dunbarton; Mr James Wallwood to Coupar in Fife, 16th September, 1684.

Mr George Campbell and Mr John Park, two nonconform ministers, taken at a search in Edin-

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* Polwarth was afterwards First Earl of Marchmont. The interesting account of his escape, effected in a great measure through the heroism of his daughter, Grizel Home, after married to Baillie of Jerviswood, may be found in the Appendix to Mr Rose's Observations on Mr Fox's Work.

burgh, 17th September, 1684; who, after their liberation, went to Holland, the receptacle of all disaffected persons.

Dr Fall brought home the two Conges d'elire, for makeing Mr Arthur Ross Archbishop of Glasgow, to be Archbishop of St Andrews, in place of Burnet, dead, and Mr Cairncross to be Archbishop of Glasgow, being then only Bishop of Breichin, 24th September, 1684.

Hamilton of Aikenhead brought in prisoner, to be confronted with Mr Carstairs, 24th September, 1684.

The Phisitians got ane order fra Court, out of pique to Doctors Burnet, Hardie, and Stenson younger, that no phisitians should practise without taking the Test, 24th September, 1684.

By ane order from the King, there is a search made in Berwick for Home of Polwart, Mr James Daes, advocat, &c. fugitives frae Scotland. But being advertised, they went of privatelie. There is a *quo warranto* against the Charter of Berwick as forfiet for this misdemeanour of reseting; and alse because they had refused to surrender their Charter, as many other Borrows had done. But the King's difficulty lay in this, that by a clause in their Charter, they can only be judged by ane Inquest of twelve burgeses of their own town. Yet in November, 1684, haveing debarred sundry of the Whiges party in their toun by excomunication, for not keeping the church, they, by a vote, surrendered their Charter to the King, 24th September, 1684.

Murray of Philiphaugh, liberat on bail of L.1000 Sterling, to compear when called for; as also Scott of Gallowsheils; and remissions were sent for to them, Monro, and others, who were to be used as witnesses in the Plott; and the Lord of Tarras, by petition, casts himself in the King's mercy, acknowledgeing his guilt, and excusing it by his youth and ignorance, the 1st October, 1684.*

The Town Company of Edinburgh to be paid out of their common good, (which was formerly paid by the burgeses of the town), which should not be disposed of without consent of the Colledge of Justice; their pay is yearly 1300 lb., and the other incident charges 9000 merks; so this unnecessarie company stands the town of Edinburgh 30,000 merks *per annum*, (it is only very necessar), 15th October, 1684.

The Synod of Edinburgh having mett, the Bishop (Paterson) intimats to them, that they must give

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* Walter Scott, Earl of Tarras, an honour which he held for his own life only, was eldest son of Sir Gideon Scott of Highchester, brother to Sir William Scott of Harden. The Earl of Tarras was married to Mary, Countess of Buccleuch, at a very early age; but as they had no issue, the Countess's title and fortune passed to her sister Anne, afterwards Duchess of Buccleuch and Monmouth. The natural connection betwixt him and the Duke of Monmouth, together with the party politics of the times, involved him in the affair called Jerviswood's Conspiracy, and he became an evidence against him upon his trial. He was himself tried, 5th January, 1685, and found guilty of high treason; but the punishment was remitted.

up a list of all the irregular persons in their paroches; and Mr Robert Montieth, minister at Carington, suspended for gross miscarriages, is referred to the Presbitrie of Dalkieth, in order to deall with him to demitt, or threaten him with deposition, 15th October 1684.

During this month of October, the Commissioners of Privy Councill were sitting in the several shires, causeing the ministers and others, to dilate irregular nonconformists in their paroches, and then caused cite them; and if they were willing to take a bond to live orderly, they were dismist. They fined Pringle of Rig, Shirrif-depute of the Merse, 500 merks for oppressing of the people, besides restitution to the wronged. They took strict tryall of the cheats and oppressions of ane Lorrain and Alexander Martine in Dunce; the last is fined 1000 lb. Sterling, and deprived him of his place as clerk. The Glasgow Circuit imprisoned Shaw of Greenock, Montgomery of Skelmurlie, Maxuell of Pollock, Cuningham of Craigance, Porterfield of Duchall, and gave them all dittayes for receit of rebells, and referred them to oath, (declaring confession, if guilty, should not infer life or limb, designing to fine them in sums near to the value of their estates, as they did Baillie of Jerviswood.) The said circuit disarmed the western shires, and imprisoned Greenock, Skelmurlie, Pollock, Maxwell, Craigance, and Porterfield, and gave them all inditements for receit of rebells. They declared the places of the haill indulged ministers there, in num-

ber thirty-six, void, because of transgressions of the Councill's instructions, and putt them in prison. They prevailed with the gentry and freeholders of Clidesdale and Renfrew, to address them, wherein they undertook that their tenents and families should keep Ecclesiasticall Laws, under the pains contained in the Acts of Parliament; and voluntarly offered to the King, to raise a troop of horse, three moneth's Cess more than what is already laid on. And the shire of Berwick offered four moneth's Cess, or raise a troop. But Home of Wederburne, and Mr John King in Coldingham voted against it, and the Earl of Home offered a moneth's more. The Thesaurer Queensberry caused the shire of Dumfreis offer five moneths, which was opposed by Earl of Dumfreis, desireing to know when ther would be ane end of taxes, and then he should offer chearfully as anie. They fined Mr Arthur Hamilton, advocat, Bailie of the Bailliarie of Cuninghame, in 500 merks for not attending them, tho' he was burrying his man, who had been drowned in a water. Mr William Cheislie and James Scott in Bristo, warded, but liberat on baill. The officials as deputes for the King's Advocat in the three Courts, (he attening on the fourth himself), Mr Charles Gray, Mr Rorie MacKenzie, Mr Robert Colt, their Clerks were the Clerks of Privy Councill, Paterson, and MacKenzie; Mr Thomas Gordon, Criminal Clerk. This Commission was to laste till 1st December, 1684.

5th November, 1684. This day was so far remembered that the Session did not sitt, and there were

bells rung, and some bonefires; but neither canons or sermon; albeit the Lords sent to Bishop of Edinburgh, Paterson, for that effect; but he pretendit short advertisement, (*vide* 5th November, 1683, page 24, when it wes not commemorat).

At a Criminal Court, the Earl of Loudon and Lord Melvill were declared fugitives, notwithstanding of some frivolous defences made, that they were sick in Holland, which were repelled; but it was after attested that Loudon dyed in Holland before he was declared fugitive.

Mr Æneas MacPherson, advocat, by Commission from the King, is made Shirrif-depute of Aberdeen, of which place Andrew Fraser of Kinmundie was in possession; this was thought hard, but procured by Duke Gordon, 11th November, 1684.

Francis Scott, Keeper of Minute Book, turning valetudinarie, the President (Falconar) prevailed with him to demitt in favour of Mr Patrick Falconar, writter, who wes efter Laird of Monktoun; Scott retaining a share of the profeit during life, and getting a little soume of money. The Register oposed the bargain till he got 150 lb. Sterling; and Scot dyed shortlie after, and Falconer entered to the office, this 11th November, 1684.

Some desperat fanaticks haveing murdered Thomas Kenoway and Thomas Stuart, at Swine Abbay, while sleeping in their bed,* search is ordered to be made

* This was a deliberate act of assassination, which Wodrow

for them. This Swine Abbey is in Lithgowshire. 20th November, 1684.

Mr Ezekiell Montgomerie fled to Ireland, and turned preacher, denounced fugitive, 21st November, 1684.

Andrew Fletcher of Salton cited at Peer of Lieth, being out of Scotland, to answer for converse with Argyle, Monmouth, &c.; but his agents and doers alleadged he had a remission in December, 1683, which secures him, unless he has committed crimes since, 21st November, 1684.

Mr Forrester, minister of Edinburgh Castle, suspended for feignying Bishop of Edinburgh's hand to a warrand for marrying two persons, and other scandalls, 21st November, 1684.

Walter Semple and another were hanged for declareing war against the King. They were condemned at three, and hung up at the Gallowlie at five, and had good black coffines followed them down Leith Wind; and women privatly, in the night, took their carcasses from the gibbet, and took them to the Grayfryars-Kirk gate, with a design to have burried them there, but the Councill caused carry them back to the gallows, 24th November.

Porterfield of Duchall, (worth 12,000 merks *per annum*,) condemned for supplying Argyle and other

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does not attempt to palliate, otherwise than by the maddened and vitiated state of men's minds suffering under military execution.

traitors, on his own confession; but the time of his execution left to the King, 27th and 28th November, 1684.

Cairncroce, (minister) chosen to be Archbishop of Glasgow, 28th November.

The persons following brought from prison to the Councill, 2d December, 1684, for recepting rebells, refuseing to take the Bond and Test, and concealing Sir John Cochran. Pollock (Maxwell) his fyne of 8000 lb. Sterling, reduced to 6000 lb., if payed the 1st Januàry. Cunningham of Craigens his fyne of 6000 is reduced to 4000, if paid 1st of January. Muire of Caldwell and others, were also fined according to the value of their estates.

The Councill gives Lieutenant-General Drummond a Commission of Justitiarie, to hang, draw, and quarter such as refused the King's authoritie, by militarie law, haveing forces to attend him, 4th December, 1684.

Ten denyers of the King's authoritie conveen'd therefore [before] the Justices, six of them resiled [respited], and four were hanged at Gallowlie the same day, being the 9th of December, 1684.

Bannatyne of Corhous, Hamilton of Halerig, and James Young of Linbank, Duke Hamilton, his butler, and eight others, were tane out of Edinburgh Tolbooth, and interrogate, if they would take the oath of alleadgeance and suppremacy; and Young having, in name of the rest, creaved time to consider; their crime was for recept of rebells, and contributeing for money to them, 10th December, 1684. But

this action being called again, 11th ditto, they crave leave to transport themselves and families to East New Jersy; and craved a time for that effect. The Councill thought it reasonable, but Queensberry, the Theasurer, opposed it; and he was in the right for so doing, alleadgeing that his Majestie might get 10,000lb. Sterling by them, fynes for their bygone trangressions, and then could dispose of their bodies by sending them to the Plantations. Therafter Sir John Dalrymple liberat out of prison on Earl of Lauderdale and Lord Crichton's baill to present him when called for, under pain of 5000 lb. Sterling, 11th December, 1684; he was warded the 6th September, 1684.

Lord Barganieis pursued by Sophia Jonston, sister to Johnston, drogist, for adherence, haveing gotten her with child, under promise of marriage, 11th December.

Ther's a bill given in by several souldiers of Colonell Douglas's regiment, (backed by Graeme of Claverhouse), complaining of the want of the arrears. Queensberry, Theasaurer, the Colonell's brother, owned him, which begot a dryness betwixt Queensberry and Claverhouse, 11th December, 1684.

Three Galloway Indulged Ministers are brought before the Councill, to whom the Chancellor proposed the three ordinary overtures: 1mo, To enact themselves to perpeatual banishment out of the King's heall dominions, (because they usually went to Berwick, when any of them were formerly banished);

2do, Perpeatual imprisonement; 3tio, To oblige themselves (if they chused rather to stay in Scotland) never to preach or exercise any part of their ministeriall functions here, alleadging they had no lawful call, meaning ordination by Episcopacy; to which one of them replyed, he believed the Archbishop of St Andrews, Ross, would not say so, who had no other ordination but what he got under Presbytery. They were sent back to prison, 12th December, 1684.

12th December, 1684. News came to Councill that the phanaticks had murdered John Pearson, minister of Carsfairn in Galloway, a dilater of them, and rebukeing them in his sermons.* They keeped

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* "Mr Pearson," says Wodrow, "was an unmarried man, very blustering and bold, and used openly to provoke the poor people, by saying in publick companies, He feared none of the Whigs, nor any thing else but rats and mice. He lived at the manse alone, without so much as a servant with him, and kept still a number of fire-arms charged in his chamber. He was openly a favourer of Popery, and gave shrewd enough signs of his being Popishly inclined, by defending not a few of their peculiar tenets." Vide *Wodrow's History of the Church of Scotland, Vol. II. p.* 467. *Edin.* 1722. *fol.* A party of Whigs is resolved to extort from this clergyman a written declaration, that he would forbear instigating their enemies, and, "one night, having notice that Mr Pierson was at home, they came to the manse, and sent those named above to desire Mr Pierson to speak with some friends, who were to do him no harm. One account says, and it is not inconsistent with the other, that two of them who were sent, got in, and delivered the commission, which put Mr Pierson in a rage, who drew a broad sword, and

mock courts of justice, and cited such as they judged their enemies, leading probation, condemning, and thereafter murdering of them. And so was their procedure against Mr Norrie, minister at Dunfermling; but he kept out of their way.

17th December, 1684. The King's letter, though of ane old date, viz. 30th September last, recommending Sir George Drummond to be Provost, and to conveen before them Sir James Rochead for his malversations, and supply his place, (according to the Theasaurer and Chancellor's desire), with John Drummond, son to the Provost, and Mr John Richardson, son to the Theasaurer's agent; the foresaid letter was kept so long up to see if Rochead would either demitt or capitulat, to give a great sum of money. They deprived him, 19th December, for sundry articles of malversation, for tampering in the election of Magistrates, vitiating the Councill Books; and by his deprivation, James Hamilton, son to Presmenan, to whom Rochead had sold the half of the clerkship, was turned out. This was thought summar; but it

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cocking a gun or pistol, he got betwixt him and the door; upon which they called, and Mr M'Michael, and Padzen came to the door, and knocked. The other account makes no mention of this circumstance, but says, when they knocked at the door, Mr Pierson opened it himself, and with fury came upon them with arms; and Mr James M'Michael, as he said, laying his account with present death if he had not done it, resolved, if he could, to be before-hand with him, and firing a pistol at him, shot him dead in the spot." *Ibid. p.* 468.

was said, Sir Andrew Ramsay turned out Sir William Thomson as summarly, though he had his gift *ad vitam aut culpam;* but Sir William was present, and acknowledged a fault; and albeit, the manner of Rochead's deprivation was illegall, yet deservedly, for many had he fraudulantly deceived and undermined; for he by letters from the King in 1675, had got twelve of the best Burgers declared uncapable; and now a letter lays himself aside.

Letters frae Claverhouse, telling he had mett with a party of the wild Whigs, whom he routed, killed five, and tane three prisoners; some whereof were murderers of the minister of Carsferne; and that he was to judge and execute the three prisoners by his Justiciary power, 21st December, 1684.

One Seaton, being in drink, and wanting his pay, rashlie said, in company, it were better to serve the Whigs, than be so used; for which he was condemned to be shot in Leith Links; but Dutches of Gordon and Earl of Winton got his life.

Robert Barclay petitions, that such Whigs as were to be banished, he might get them for plantations in New Jersey.

At a meeting of the Town Councill in Edinburgh, in order to their election of members of Parliament, Sir James Dick was proposed for one, against whom it was objected, that he was found in August, 1682, in the Privy Councill, guilty of offering bribes to Lord Halton, efter Earle of Lauderdale, and so unfitt. 23d December, 1684.

Mr Robert Baillie of Jerviswood was tryed, being brought 23d December, 1684, to the Justice Court and pannelled as art and part of the plot of joining with the malecontents in England, viz. Shaftsberry, Lord Russell, &c. to perswad or force the King to redress their grievances, call a Parliament, and pass the Bill of Seclusion against Duke of York, for securing the Protestant Religion, and carrying on this rebellious design of rysing with England, under a pretence of a Carolina Company; and for his knowledge of an accession thereto, and concealed the same; and also was ane agent for getting 10,000 lb. Sterling from [the] English, to Argyle in Holland, to buy armes and horses to Argyle in Holland, to land in the West of Scotland. The Advocat got a warrand for Sir George Lockhart and Lauder of Fountainhall to concurr with him in the pursuite upon their alleadgeance; and warrand was given to Sir Patrick Hume, Mr Walter Pringle, Mr James Grame, Mr William Fletcher, and Mr William Baillie, for the pannell, (see this tryall *ad longum*, in Pamphlett 115, at Number 24.) The Assyze was inclosed at twelve at night, and sat till three in the morning; and he wes sentenced to be hanged betwixt two and four in the afternoon, being 24th December. He complained of the shortnes of time, yet carried very composedly. His father was son of Baillie of St John's Kirk, a cadite of Lamminton; he huffed a little, (being a huffy, proud man,) that he should be esteemed guilty of any design against the life of the King, or his bro-

ther; whereof he purged himself, as he hoped for mercy; and denyed any design of subverting monarchie, only he wished a redress of grievances; but offered not to purge himself of the rest of the inditement, which was a tacite confession. All seemed to be convinced that he had tampered in dangerous proposals for rectification of grievances, by putting his Majestie under force to yield to their demands, if they could not obtain it with fairness. He complained of the Earle of Tarras, that, to save himself, had deponed lyes against him. He said Mr Robert Mertin was sent down to Scotland to stop a rysing; but at his returning reports, he found them in such a temper, that very litle would kindle the fire. His [*i. e.* Baillie's] marrying Sir Archbald Jonston of Warristoun, that arch traytor, his daughter, first alienat his mind from Government, and thereafter, having rescued his brother-in-law, Mr James Kirkton, a Presbyterian Minister, fra Captain Carstairs, (by drawing his sword,) was fined 1000 lb. Sterling, and imprisoned; but his fine remitted. He dyed, regrated by many, and with much resolution; yet he was huffie and proud. The Lord Cranston being jealous of him for lying with his lady, he hectored and battoned him. The Lady Graden, another daughter of Waristones, his sister-in-law, with a more than masculine courage, attended him on the scaffold till he was quartered, and went with the hangman and saw his quarters sodden, oyled, &c., (for they were ordained to be put up on the tolbooths of Jedburgh, Lanark, Air, and Glas-

gow, and his head on the Nether-Boll Port). There was a speech emitted of his before the execution, and it was proffered to his friends, if they would delyver up the heall copies thereof, they should get liberty to burry his bodie. He was brought down in a ship, with many other traytors, 14th Nov. 1684.

24th December, —84. The Session did sitt albeit Christmass-Even; but they could do no less, since the same day the Justice Court had sitten on, and condemned, and execute; the last after Jerviswood's execution. The same day, as both Session and Justice Court had sat, so did also the Councill, before whom was called the Clidsdale Gentlemen, viz. Bannatyne of Corhous, Steuart of Allantoun, Steuart of Welwood, his brother, Kennedie of Closburne, Hamilton of Halcraig, Hamilton of Overtoun, James Young of Linbank, &c. They were staged for Pentland Hills, Bothwell Bridge, recept of, or contributeing money to rebells, sending money to Argyle, hearing ministers in their houses. The Advocat haveing restricted the lybell to arbitrary punishment, referred it to their oaths; whereon they having deponed, but refused the King's Ecclesiasticall Supremacy, two of them were fined 1200 merks, James Young in 10,000, Hamilton of Overton in 9000 merks, and some of them in 5000 merks, another in 3000 merks, and two sent to the Plantations, besides their fine, and all to ly in prison till they pay their fines, which extended to near 80,000 merks.

25th December, 1684. In the Abbey Kirk was performed a translation of Ross Archbishop of Glasgow, to St Andrews; of Cairncroce, frae Brechin to Glasgow, and of Dr Drummond to Brichen.

5th and 6th January, 1685. The Earle of Tarras is pannelled, as art and part in the conspiracy with Jerviswood, &c. and besides his own judiciall confession to the assyze, they lead also Scott of Gallowsheils, and Murray of Philiphaugh, as witnesses against him, least it might be objected hereafter by the Whigs, that the things confessed by him were not really true, but impetrat by collusion to gaine his life. So he is forfault; but the time and manner of his execution refered to the King, because a remission is designed for him, as they have done to Commissioner Monro, Philiphaugh, and Gallowsheills.

Mr John M'Kenzie, advocat, brother to the Laird of Coull, having married, &c. Lentron, a neice of Baillie Spences, without his consent, he, as a Magistrat in Edinburgh, summarly imprisoned the woman in whose house Mr John lodged; but the Privy Councill liberat the woman, 7th January, 1685.

John Paterson, Bishop of Edinburgh, pursues William Hay, Commissar Clerk of Edinburgh, for malversations in not bringing in yearly the Registers of Court, to be marked by the Bishop; and the Bishop's designe was, if he could not force him to a composition, to remove him, and putt in his brother, Mr Robert Paterson. 9th January, 1685.

Provost George Drummond turnes bankrupt, as

alsoe George Drummond, Town Theasaurer, Drummond of Carlourie; and the Chancellor gets protections to them all, and to Skeen of Halyairds in Louthian, and John Jonstown of Poltoun, January, 1685.

William Seaton, in the Life Guards, gets a gift of 5000 merks he had discovered resting to Argyle, 16th January, 1685.

The fugitive rebells that were abroad were summoned to compear before the Parliament 26th of March nixt, on a proces of treason, twenty-two in number; Earl of Loudon, Lord Melvill, Sir John Cochran, Sir Hugh and Sir George Campbell of Cesnock, John Weir of Newtown, David Montgomerie of Lamshaw, Sir James Dalrymple, Steuart of Coltnes, Denholme of Westsheill, Polwart, Pringle of Torwoodlie, James Steuart, advocat, Mr Robert Martine, Hay of Park, Fletcher of Salton, Mr Gilbert Elliot, writer in Edinburgh, Mr Robert Fergusson, cheplain to Earl of Shaftsbery, Collin Campbell of Arkinlass, George Hume of Bassenden, and Walter Lockhart of Kirktown. But Park Hay, Weir Newtown, and the two Cesnocks, were in prison in Scotland, 16th January, 1685.

William Brody examined before the Councill, If he knew that Baillie John Hall kept correspondence with Mr Robert Martin; or if there was any of his effects in his hands in trust, but discovered nihill. 14th January, 1685.

Hamilton of Wishaw having been under arrest, committed prisoner with Miller, his neighbour, for

accession to Bothwell rebellion, they were after made witnesses before the Parliament against Lord Melvill, 17th January, 1685.

20th January, 1685, the Circuit Justiciary Court appointed by King and Councill mett, consisting of Wintoun, Lithgow, Collington, Justice Clerk, Lord Register (Tarbat), and John Wedderburn of Gosfoord, who choised Tarbat, Preces. They called first the heal ministers to give up irregular persons on oath; whereat they demured. Then the Magistrats of Edinburgh were called to make voluntar offer of the Cess; and they were made Commissioners of Justiciary in their own bounds, to administer the oath of Abjuration and Test, &c. And on the same day the head Sherriff-court was held, (which should have been kept the twentieth day after Yule.) The Chancellor as Shirrif being present, and Sir John Clerk of Penniecook protested he was not lyable to answer, because he was a blensh-holder.

Two men hanged at the Gallowlie for not disowning the declaration of war against the King, 23d January, 1685, at seven in the morning, because of crouds of people at executions.

Sir Daniel Carmichall put in Edinburgh Castle, for accession in furnishing the rebells at Bothwell Bridge, 28th January, 1685.

Captain Andrew Dick (he was Steuart of Orkney) banished out of Orkney for horrid oppressions there, 28th January, 1685.

The Heretors of Mid, East, and West Louthians made a voluntar offer of three moneth's Cess for a year, besides the subsidies already given, and obliged themselves to apprehend irregular persons on their ground, or be lyable for their fines, 31st January, 1685.

The Earl of Lauderdale has a pursute against the Earl of Aberdeen, late Chancellor, for reduction of a band for 10,000 lb. 5th February, 1685, being Lauderdale's fine for malversations as Generall of the Mint.

James Row, George Mossman, and other Presbyterian merchants in Edinburgh, Anderson of Dowhill, Craigie of Dunbarne, Oliphant of Coudie, pursued for Conventicles; some saved themselves by taking the Test, others by taking oath of alleageance, and others were imprisoned, 5th February, 1685.

The Lady Bamffe, daughter to Earl of Marshall, gave a bill for aliment, since her husband refused to cohabite with her, (it was because he hade jealoused her with one Lessly, Sherrif-clerk of Bamffe.) The Councill modifys her 2000 merks per annum; and the Lord Bamffe ordered to aliment the children himself, 5th February, 1685.

The Earl of Tarras' remission is past, and he liberat out of Edinburgh Castle. It only pardons the life, and restores him and posterity to their fame, but not to his title of honour, (which even before was only *ad vitam*), and there was no account how his estate was to be disposed of, or how much thereof they would

allow him to himself, but therafter it was annexed to the Crown, 5th February.

News cam 9th February, that the King dyed 6th February, and on the 10th a theatre was errected at the Cross; the Chancellor carryed his own purse, and weeping proclaimed James Duke of Albany, the only, and undoubted and lawful King of this realm, under the name of James VII.; the Clerk Register reading the words of the Act to him; and all of them, viz. the Officers of State, with the other Nobility, Councellors, Lords of Session, Magistrates, and whole Councill of Edinburgh, with lifted up hands, swore faith and alleageance to him. See it in print, intituled a Proclamation of the Sovereign Authority, and not a Proclamation of him, lest that should seem to import the people had any hand in giving him his power. The English Proclamation reserved power to him to consider the bygone errors and misgovernments, that he might redress them. The Castle shot many guns; Mr John Robertson preached a sermon; there were in the afternoon, bonefires, bells, and cannons; and the Privy Councill called for the Seales, and broke them. The Councill sent Lord Drumlanrig, the Theasaurer's son, who efter proved a vil trator, and the Clergie, Dr Faw, to condole the King's death, and congratulat the present King's accession to the Crown; the first hesitat, and faultred in delyvering his speech; but failed after more grosslie in his villanous betraying his master, when forced

to abdicat his crown, for which he made a most ignominious exit, having died of vermine, Jully 11, 1711.

Kintair, Theasaurer-deput, being returned from the North Circuit, reports to Councill, that they had fined Grant in 40,000 lb. Scots, and Brody in 2000 lb. and so of the rest, for their wyffes' irregularities,* 14th February, 1685.

Semple of Cathcart warded, (on a delation, that he brought men to Bothwell-Bridge Rebellion,) by order of the Secret Committee; but liberat on caution.

The Lords having heard all the malversations of Hay, Commissar Clerk of Edinburgh, with the answers made thereto by Paterson, Bishop of Edinburgh, and particularly, that all committed before the transaction, whereby he gave him 4000 merks, must be presumed remitted. The Lords, before answer, ordained the Bishop to prove his condescendance, and the Clerk his alleviations, 18th February, 1685.

The Lord Livingston ordered to go fra London to Scotland on ane express, Mein, the Post-Master, had writt to London, that the Whigs were up in armes; for which Mein was warded; but liberat by Colonell Worden's procurement. Some said this was a plot of Queensberry's, to get Livingston from Court, that he might get his son, Drumlanrig, to be Captain of the King's Guards in his place, 18th

* For the credit of these honourable families, it must be subjoined that the word *irregularities* refers to the ladies not attending on Episcopal Ministers, and frequenting conventicles.

February, 1685. But Earl of Murray, Secretary, and uncle to Lord Livingston, who is [married to] Lord Duffus' sister, protects him.

Sir William Scott, Younger of Harden, taken at Newcastle.*

2d March, 1685. His Majestie's indemnity came by ane express; which express called up to London the Chancellor and Theasaurer, for there were essayes making to get Lundy Commissioner to Parliament; but Midleton diverted it, so Queensberry got it. Severals went up with the Statesmen, and amongst others, Gray of Crichie, for a gratification for deciphering Argyle's letters.

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* This was Sir William Scott the younger, called Little Sir William. In the printed Decisions of Fountainhall is the folfollowing account of this gentleman, whom his cousin-german, the Earl of Tarras, and others, had been tampering with in the affair of Jerviswood's conspiracy. "December 30, 1684. A party of the forces having been sent out to apprehend Sir William Scott of Harden, Younger, because Tarras and Philiphaugh deponed that they communicated remotely their design to him, as a man of good fortune; and one William Scott in Langhope, getting notice of their coming, by the cadger or others, he went and acquainted Harden with it, as he was playing at the curling with Riddel of Haining and others, who, instantly pretending there were some friends at his house, left them, and so fled. Haining delated this; the said William Scott, and James Scott of Thirlstone, old Harden's brother, are brought in this day to Edinburgh. Thirlstone is liberate, as finding nothing to say to him; but William is put in irons, because he declined to tell who gave him advertisement of the party's comiñg."—Vide *Decisions of the Lords of Council and Session. Edinburgh,* 1759.—*Vol. I. p.* 328.

The Magistrates of Edinburgh, by instigation of Thomas Hamilton, (of Olivestop), Baillie of the said burrow, by ane act, granted ane lease of 5000 merks, to be tacksman of the town's impost; which was protested against by Baillie John Charters, John Chancellor, late baillie, and others, 2d March, 1685.

The Theasaurer caused charge Grahame of Claverhouse on a bond he had given to the Exchequer for fines of delinquents in Galloway; he told his brother was gathering them in, and craved a time, and he got five or six days; but Claverhouse told him that was as good as none at all, considering the distance. The Theasaurer replyed, then you shall have none.

Sir John Dalrymple, when liberat in December last, was put under caution, and confined to Edinburgh; but on a bill gets up his cautioner's bond (Lauderdale and Lord Maitland,) and getts his restraint enlarged ten miles about Edinburgh, 2d March, 1685.

The indulged ministers lying in prison, gave in a bill to be liberat on the indemnity; but were found not to have the benefit thereof.

They fined Maxwell, a Baillie of the Regality of Paisley, lying in prison for falshood, 4th March, 1685.

Angus M'Leod, servant to Lord Tarbat, Register, made Clerk to the privy Committie of the Councill, 6th March, 1685.

The Chancellor and Theasaurer part from Edinburgh, 7th March, 1685.

Gardyn of Migstrath is pursued before the Session by Ross of Tillisnayt, for vitiation of a band of thir-

lage, which they reduced, and voted whither Migstrath should be referred to the Justice Court. But he being Duke of Gordon's Chamberlane, that was waved, and he fined in 1000 lb. Scots, to the persuers for expensis. Warrand from the King, for throwing down the forts and castles of Earl of Argyle. Some reported the King sent private orders to Lord Lorn his son, now turned Popish, to undertake a voluntar banishment, 20th March, 1685.

Gray of Shives raised a reduction against Earl of Aberdeen for circumvention and concussion.

Dr Sibbald installed Professor of Medicine in the colledge, by missive from the Chancellor Perth, 27th March, 1685.

About 100 rebells had come out of Ireland on account of a search there; they were joyned by others of ther kidney; and had ane Pedden, a minister, and ane Isaac, for their Captain. They frighted all the Episcopall ministers fra their kirks. They seized armes, particularly at Lord Dumfries' house.

Sir Alexander Forbes of Tolquhone fined 1000 merks for saying Alexander Ogilvie of Forgley, brother to Lord Bamff, had stolen a silver cup from him; albeit Tolquhone had given in the same some years ago to a goldsmith for helping, 27th March, 1685.

There being a band given in to Mackenzies' Chamber, to one Douglas to registrat; and he having given up the principall to one Weddel, the granter, and given the pursuer an extract, they were both pillor-

ed, and had their lugs nailed to Trone, 27th March, 1685; and Weddel warded till he pay the debt.

There is a bill given in against Earl Lauderdale by Scrymger, Lady Fintray, as sister, ane of the two nearest heires portioners and of line to the late Earle of Dundee, for exhibition of the charter-chist of the Earl of Dundee, 31st March, 1685.

The Chancellor, Theasaurer, and Ross, Archbishop of St Andrews come from London to Edinburgh, 8th April, 1685, haveing been only eight dayes by the way; and the Councill ordered the shires wherthrow the Chancellor was to pass, to attend him.

A Councill was held wherein is a new commission of Councellors nominat, wherein none of the former is omitted but Claverhouse, because of the drynes betwixt him and the Theasaurer; the pretence was, that having married a daughter of a phanatick familie, viz. Dundonald, he was not fitt to be trusted with the King's secrets. The Pr. of Denmark was added; and Sir William Bruce was made Comptroller of the House, 4th April, 1685.

There's an Act of Councill made in odium of Grame of Clavers; and to stir up the people to complain on him, as was expected, commanding all officers and souldiers to pay their quarters before they remove, under pain of cashiering, &c. 16th April, 1685.

The Convention of Burrows meets at Edinburgh, ditto, 16th Aprile; and where Alexander Miln, Provost of Lithgow, had a great partie for making him Preces; but, the Burrowes sitting in Edinburgh, they

found they could not pass by Sir George Drumond, the Provost therof. They deprived Sir James Rochead from being Toun-Clerk, who was dealing at least to be kept in a conjunct; but they refused, and elected John Richardson Town-Clerk in his place, and did not so much as conjoin Rochead's colleague, the present Provost's son with him, to gratify the Theasurer.

The late King's statue on horseback was set up in the Parliament-Closs, 16th April, 1685. It stood the Town of Edinburgh more than 1000 lb. Sterling.

Upon rumor of Argyle's landing, &c. the Councill ordain 1200 Highlanders to be sent to the Western shires under command of Lieutenant-Generall Drumond and Collonell Douglas, the Theasurer's brother, 21st April, 1685.

Sir Alexander Forbes of Tolquhone fined 20,000 merks, for calling Ogilvy of Forglen a thief. The one half to the King, and the other to Forglen; and ordered him to crave the Lords of Session pardon, 30th April, 1685.

John Campbell of Succo seized and warded, and his papers sighted, on suspition of converse with Argyle, 30th April, 1685.

A search made for Mr John Ray, Conventicle Preacher, but not found.

M'Gie of Large, and two of the name of Russell, forfiet in absence, for being at Bothwell-Bridge, 5th May, 1685.

Porterfield of Duchall, his forfietur is confirmed in Parliament. There having come account that Ar-

gyle was at sea, his heall vassals and feuers were cited before the Councill, and above 160 of them compeared, but the Councill kept sixteen of the greatest as pleages, 7th May, 1685.

Noble of Ferm pursued before the Councill for imploying a drumer to go to Bothwell-Bridge, 7th May.

Montgomerie of Skelmurlie and his mother are cited for Conventicles after the father's death. They alleadged, the Conventicles being kept by the father in his lifetime, they could not hinder him; there being no soume liquidat against him in his own time, they could not be lyable thereafter, or her jointer affected therefore. 7th May, 1685.

Earl Strathmore gets a decreit of precedencie before Lauthian, 8th May, 1685.

Some quarrelled at Duke Gordon, a Papist, his getting the command of the heretors of Aberdeen and Bamffshires; and of Earl of Dumbarton, another Papist's, being made Lieutenant-Generall.

Argyle and Baillie of Jerviswod, their forfietures confirmed in Parliament, 13th May.

Word came frae Bishop of Orkney, 13th May, that Argyle toutched there with three ships; whereupon his lady wes put in the Castle, and Mr James, one of his sons, and Lady Sophia Lindsay, her daughter, (by Earl of Balcarris), because Argyle escapt out of Castle in 1681, by her means. Lord Neil, his brother, was confined. James Row and Hary Fletcher, brother to Salton, and Achinbreake, with 200 men, joined Argyle. 18th May, 1685.

Sir John Cochran forfiet in Parliament, 22d May, 1685. Sir John Maxuell of Pollock, and Cuningham of Craigens, were witnesses against him, and deponed that he sought money from them to send to Argyle after his forfietur.

Mr Robert Martin Plotter is dead before 22d May, 1685.

Polwart, Torwoodlie, and Mr Robert Martine forfiet on testimonies of Philiphaugh, Tarras, Scott of Gallowsheils, Commissioner Monro, and Carstairs, 22d May.

Litle of Libertoun his Lady warded for Conventicles, but liberat on his entering prison for her, 25th May, 1685.

Thomas Steuart of Coltnes forfieted, and tearing his armes on the Cros, 27th May, 1685.

Mr Robert Innes officiats for the Lyon in his absence.

May 29th observed with sermons, cannons, bonfires.

Mr Robert Ferguson forfieted upon the depositions of West and Burn, Englishmen, 4th June. 1685.

Messenger's fies, ane act for modifying therof, 4th June, 1685.

The Marquis of Athol, commander of the Highland forces at Inverary, against Argyle, emits a proclamation (by Counsell's order) offering indemnity to the common souldiers that had joined him; but this did not extend to heretors and gentry that were with him.

The two prisoners taken from Argyle in Orkney, viz. Mr William Spence and Mr Blaccater, came to Edinburgh, 6th June, 1685.

There was a great steir in Edinburgh, Sunday, 7th June, on account there came word, that, the King's men-of-war comeing against Argyle, he had landed in Cowell, and was marching to surpryse Stirling, whereon the heall militia regiment of Edinburgh was ordered to march there.

The Duke of Monmouth cited before Justice Court on sixty dayes, for treason, 9th June, 1685.

Ditto day ane Archibald Acheson, a souldier in the town company comanded by Captain Patrick Graham, haveing sticked ane Watson a violer, because he was serenading in the night-time with his fidle, in the street, contrair to ane act discharging it, and giving him bad words. He was imprisoned by the Magistrats, and his lybell given him; but Earl of Errol, [High] Constable, compearing for his interest, claimes the judgeing of him by virtue of his jurisdiction in time of Parliament; and both parties being heard before the High Commissioner and Chancellor, the Magistrats were forced to quitt him, Errol having produced his gift fra King Robert Bruce, to judge all criminall causes hapeneing within four miles where the Parliament, or King's Councill sitts; with bands given in 1682, by the Magistrats of Edinburgh, acknowledgeing his jurisdiction, and accepting deputations from him. See the Case at length in Mac-Kenzie's Criminalls, title, Jurisdiction of the Con-

stables, p. 367, &c.* See also a report of Eroll's Priviledges, *et De Hostilagijs*, in a manuscript of Lord Fountinhall's, marked with the letter *A*, with the King's ratification thereof, in *anno* 1633, whereon the Magistrats of Edinburgh took a protestation, for preserving their priviledge, against Errol, who protested in the contrair. The Constable led probation by witnesses against Atcheson, because his confession was qualified, that he was provoked by calling him rascall, and refusing to go to a commission officer. The witnesses clearly proved the fact; and he was ordered to be shot to death in the Colledge Kirkyeard, on the 17th June instant. His captain, (Graim) dealt much for him, and offered money to his wife;† but it would not do. 9th June, 1685.

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* I do not observe that MacKenzie has quoted the case of Acheson; but he mentions another, in which an unfortunate violer was also a principal party concerned, with this small difference, that he was the slayer, and not the slain person. "Upon the 5th of September, 1672, Gilbert Earl of Errol did repledge James Johnstoun, violer, arraigned before the Magistrates of Edinburgh, (as Sheriffs within themselves), for stabbing of his wife the day before Easter. The Magistrates had taken his judicial confession, and summoned the assizes. There was no formal replegiation, because the Magistrates passed from him upon the Constable's application; and upon the 6th of that month, September, the Constable's deputies sentenced him to be hanged, and to have his right hand, which gave the stroke, cut off, and affixed to Leith-Wynd Port; and ordained the Magistrates of Edinburgh to cause put the sentence to execution the 9th of that month."—Vide *MacKenzie's Works, Vol. II. p. 395. Edin. 1722. fol.*

† *i. e.* The violer's.

The fire-cross, by order of Councill, is sent through the west of Fife and Kinross, as nearest Stirling, that all betwixt sixty and sixteen, might rise and opose Argyle, 9th June.*

11th June. Act past for addressing his Majestie, that Argyle, or his posterity, be never pardoned; and a Commission of Parliament to be named by the King for divideing his estate. 11th June, 1685.

The forfietur of Lord Melvill, Montgomerie of Lenshaw, and Cesnocks (Elder and Younger;) the last two came in the King's will, 13th June, 1685.

Errol got back the Sherrifship of Aberden, formerly possest by the Earle of Aberdeen, when Chancellor.

Mr John Menzies, Advocat, imprisoned for leaving the King's Hoist before it was dissolved, and influenceing others to do the like. 16th June.

Argyle his being taken, the news therof came to town 19th June.

Mr Du Pont, a Protestant Minister, fled out of France, gives in a bill to the Councill, craving liberty to preach to the French Protestants here, in the

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* Here is a remarkable instance (perhaps the latest) of the fire-cross having been sent round by command of Government. In his Account of Somerset's Expedition, Paten thus describes it. "And thys is a crosse (as I haue hard sum say) of ii brandes endes, caried a crosse vpon a spears point, with proclamation of the time and place whan and whither they shall cum, and with how much provision of vitail. Sum other say, it is a cros, painted all red, and set for certayn dayes in the feldes

Lady Easter's Kirk, or elswhere; he is remitted to the Bishop, to see if he be orthodox.

There were certain sums put on the heads of rebells that should be brought in dead or alive, viz. on Sir John Cochran, 1800 merks; Polwart the like; and for the ministers that were with them, such as Mr Archer, &c. 1000 merks, for others 500 merks. Elphiston of Lapnes, and Mr Gilbert Eliot were forgotten. Argyle is called, that Arch and Hereditarie Traytor, because his father, and some of his ancestors were forfieted.

Mr Archbald Campbell, a son of Lord Neil's, thereafter ane of our Scots Bishops, being detained against his will, a remission is intended for him, 24th June, 1685.

M'Alla, skiper in Leith, sues before the Councill John Reid, skiper there, for mittellating him, taking him by the privities, and pulling away one of his stones while fighting in Leith Links. Reid said it was judged already by the Earle of Erroll, High Constable, and he fined therefore in 100 dollars. M'Alla said, that was only collusive. The

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of that baronrie, whereof they will haue they people too cum: whearby, all betwene sixty and sixten are peremptorily summoned: that if they cum not wyth their vitayll according at the tyme and place then appointed, all the land thear is forfaited straight to the Kynges vse, and the tariers taken for traitours and rebels." Vide *Patten's Account of the Expedicion into Scotlande of the Most Worthely Fortunate Prince Edward, Duke of Soomerset, preface, p.* xii."

Councill, because of the atrociousnes of the crime, fined him in 3000 merks; for they said, tho the Constable had the power of judgeing privative, yea of repleadgeing from all other courts, even the Privat Councill itself, yet if he doe not punish proportionall, and with commensuration to the delict, the Councill may review and hear. It is a most attrocious and inhumane crime, and made capitall in women, *Jure Mosaico,* Deut. xxv. ver. 2. 25th June, 1685.

Phisitians having given in their verdict, that Mr Rumbold was in hazard of death by his wounds, the Councill ordained the Justice Court to sit on him to-morrow, 25th June, 1685; and 26th he was tryed, and charged with a design to murder the late King at Ryhous, in Aprile, 1683, which he positively denyed thatt [was] sworn against him in England; yet the Advocat past frae that, least it should have disparaged the credit of the English Plott; and insisted on his associating with Argyle, and invading Scotland; and that he was with Campbell of Arkinlass against the Athol men, where two or three of them were killed; which he confessed. And being asked if he was ane of the masked executioners that were on the scaffold at the murder of King Charles the First, denyed it; but that he was one of Cromwell's regiment then, and was on horseback at Whitehall that day, as one of guard about the scaffold. And that he was at Dunbar, Worcester, and Dundee, a lieutenant in Cromwell's armie. He said Sir James Steuart, Ad-

vocat told them all would be ruined by Argyle's lingering in the Highlands, and not marching presently to Galloway, &c. And being asked, if he owned his Majestie's authority, he craved leave to be excused, seeing he needed neither offend them nor grate his own conscience, for they had enough to take his life; besides, his rooted opinion was for a Republick against Monarchie; to pull doun which he thought it a duty, and no sin; and on the scaffold began to pray for that party, but was interrupted; and said, if every hair in his head were a man, he would venture them all in that quarrell; he otherwayes behaved descreetly enough, and heard the ministers, but took none of them to the scaffold. He was drawen in a hurdle thereto, thence hoysed up a litle in the gallows by a pully, and hanged a while, and let down not fullie dead, his breast ript up, and his heart pulled out and throwen in the fire; then his head was struke off, and his body cutt in four quarters, and ordered to be affixed att Glasgow, Dumfreis, New Galloway, and Jedburgh, and his head to be affixt on the West Port of Edinburgh; but therafter wer, by order from the King, sent to England, to be affixt at London, wher he was best known. The order came to Scotland 3d August, 1685. *Nota*, He was tryed 25th, and execute 26th June, 1685.

The Councill having mett 29th June, 1685, they, in obedience to his Majestie's letter, ordaining to execute the sentence of death against Argyle within three dayes after receipt of the letters, they ordain him only

to be beheaded, and his head affixt on Edinburgh Tolbooth; which was done, 30th June, 1685.

1st July, came the news of Sir John Cochran and his son Waterside, their takeing, and one Dunbar, a surgion, and that at Gaven Cochran his unkle's hous, called Cochran near Kilbarchan, in Renfrewshire, were discovered by Gaven's wife, out of revenge, because she was sister to the gallant Captain Cleland, who, on the rebells retireing, was slain by them, being on the King's side; he was a gallant man. Sir John, his son, &c. were brought to the Tolbooth of Edinburgh on 3d July, ignominiously conducted thither, bound, and bare-headed, before the hangman; yet, during that treatment, had a majestick mein, and stately paw.

6th July, 1685, was the fight at Bridgewater, where Duke of Monmouth was defeat. 7th ditto, he and Lord Gray were taken; and Monmoth beheaded on Towerhill, 15th July, 1685.

There was conveened before the Criminall Court, Denholme of Westsheils and Mr Gilbert Eliot. The witnesses were Sir John Cochran (who excused himself as unworthy to bear witness in any case, being a forfiet traytor. But it was answered, that any persons whatsoever are habile against rebells.) Dunbar and Blackater, the surgeons taken with Argyle, &c. The crimes proven were conversing with Argyle and other rebells; and they are forfiet. 16th June, 1685.

Eodem Die, Mr William Spence, chamberlaine to Argyle, and Steuart younger of Cultnes, being taken, the first in Orkney, and the last after Argyle's de-

feat, are arraigned as traytors; Sir John Cochran, Blaccater, &c. are witnesses, besides their own confessions of their being in Argyle's company when he invaded Scotland, they are forfiet, and condemned to be hanged at Edinburgh Cross, 22d July; but on Lord Dunbarton's intercession, reprived by the Councill till September nixt, with a design to make Spence a witnes against Lord Stair and others. Some said he woud be sent for to London as well as Sir John Cochran and Colonell Ayloff, to make a further discovery of this plott, and who had underhand been concerned in it. 16th July, 1685.

Mr Charles Campbell, Argyle's second son, being taken lying sick of a fever in Atholeshire, the Marques of Athol, by his justiciary power, resolved to hang him at his father's gate of Inverary; but was stopt by intercession of several ladies to the Privy Councill, and brought prisoner to Edinburgh. His brother, Mr John, with Lord Neill, his oldest son, (the rebells forced the last to join them) seeing they could lurk no longer, came in women's cloaths to Lord Dunbarton, and, falling down at his feet, discovered themselves, who generously sent them to Stirling, with the liberty of the castle, without a guard; but the Councill was angrie therefore. 16th July, 1685.

Mr Griffith, a Presbyterian Minister's son in England, that had been with Argyle, brought in prisoner.

The Councill orders a thanksgiving for defeat of Argyle and Monmouth, 20th July, 1685, on the 23d ditto, in Diocy of Edinburgh, which was done there

that day with sermons, bells, canons, bonfires, &c. and in the rest of the kingdom the 13th August.

The Bishop of Edinburgh, (Paterson) gets a letter frae the King to the Town of Edinburgh, requiring them to take 20,000 merks of the bygone annual-rents of Mudie's mortification in their hands, and therewith build a lodgeing and chappell to the Bishop. It was in the High Commissioner's instructions to the last Parliament, but now stopt, haveing been reported to his Majestie as ane inversion of Mudie's pure mortification. But the Bishop prevailed thereafter so far as he got a new order, that till the house was built, they should pay him the annual-rent of that sum yearly, viz, 1200 merks, which will pay more than two house mails. 20th July, 1685.

Some of the common prisoners that came with Argyle are given by the Councill to Scot of Pitlochie and others, for the Plantations. But some of them was more perverse then others, in minceing the King's Authoritie, to the number of forty, ordered to have a piece of their lugg cutt off; and the women disowning the King, to be brunt in the shoulder, that if any of them return, they might be known thereby, and hanged. 5th August, 1685.

Mr Alexander Sheills, Student of Divinity, sent down frae London, being brought before the Councill, after much altercations, at last consented to sign the abjuration of these treasonable principles of riseing in armes, &c.; but declined to swear it. He would have entered a protestation, that he signed it

only in so far as it was consistent with his duty; but that was rejected. Then he was content to declare he owned the present King, and that it was unlawfull to raise war against him, or assassinat his adherents; for a man may declare many things that he could not swear; and he said, though he was a Presbyterian, he was against pressing the Covenant itselfe. At last he signed the Abjuration; but in respect he had formerly retracted the taking therof, saying he was forced thereto, it was mocked: now that what he had done was voluntar, they were resolved only to banish him.

On 12th August, 1685, four disowners of the King's Majestie were hanged; and Mr Archer, minister, who came home with Argyle, was hanged 14th ditto.

Campbells, older and younger of Cessnock, were liberat on a remission for life only, but nothing reserved for themselves or creditors of the fortune, only they had the Chancellor and Queensberry ther promise for some small allowance out of their estate.

The Theasurer and his deputes named Chamerlains to all the forfiet estates; and John Trotter, merchant, (who was after hanged for assisting those that kept out the Bass,*) was for these of Polwart, and Prin-

* The Bass was the last place in Great Britain which held out for James II. Trotter "was taken and condemned for aiding and assisting the place, and Captain Alexander Hallyburton, Captain William Frazer, Mr William Witham, and Mr William Nicolson, who belonged to the garrison, were taken on shore, and condemned to be hanged; and the day of Mr Trotter's execution being come, the gibbet was erected at Castletown; and he being to the

gle of Torwoodlie, with 1000 merks sallary; and Hugh Wallace, Craigies Bailie, who had tampered with the witnesses against Cesnock, wes made Chamberlane to his estate.

The Earl of Calender being dead, and Mr Alexander Levingston, second son to Earl of Lithgow, laying claim as heir of tailzie to the said estate, the Councill ordaines the charter-chist to be sequestrat for his use, though the late Callinder had made a disposition thereof in favours of John, second son to Duke Hamilton.

Captain Aylofe hanged at London, 30th October, 1685.

21st August, 1685. Mr Charles and John Cambells, sons of Argyle, and Lord Neil Cambell his son, were forfiet on their own confession, that they were with Argyle in his rebellion; the King spares their lives, and orders them to be banished on their band, never to return, under pain of death. Mr Charles informed that Sir Evan Cameron of Locheal (whose party had killed some of the Perthshire Gentry) kept correspondence with Argyle.*

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place, a gun was fired from the Bass, amongst the crowd, which terrify'd them, and obliged them to remove the gibbet to a further distance, where he was hanged. The rest, who lay in prison at Edinburgh under condemnation, were reprieved from time to time, till set at liberty by capitulation." Vide *Memoirs of the Lord Viscount Dundee, The Highland Clans, and Massacre of Glenco, &c. p.* 51. *London* 1714.—1718.

* This seems unlikely: for old Sir Evan Dhu was the last man who submitted to Cromwell in the Great Civil War. Yet at an earlier period his connection with the Marquis of Argyle,

The Earl of Balcarras is sent to the western shires with a commission of fire and sword against recepters of rebells, who had latelie murdered Mark Kerr at Lesmehago, for taking Rambold the maltster, 21st August.

Hay of Park is liberat on caution, for want of probation against him; as is likwise Whiteford of Blairquhan.

The day of Mr Spence execution approaching, it was prorogat, and it was thought he would get a remission to be ane evidence against Lord Stairs. 21st August, 1685.

George Drumond, Provost of Edinburgh, breaks and goes to the Abbey; he was the first provost that brok; during his office, there was complaints against him for medling with the Town's Common Good, as also for taking 3 or 4000 merks to himself, for putting Mr William Henderson in the presenter's place in [the] High Church of Edinburgh, though the Bishop thereof claimed it as his Cathedrall.

Mr Rorie MacKenzie, Advocat, (he was designed of Dalvenan,) pursues Peter Kennedy of Cullen be-

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who had been his guardian, engaged him on the side of the Estates of Parliament in the war with Montrose: And in a supplication presented to the Committee of Estates, dated 26th March, 1650, Lochiel boasts of his services, and claims in guerdon thereof the forfeited estate of his neighbour Angus MacDonell of Glengarry; a demand which appears to have met with favourable acceptation. The Camerons, however, were in arms for King James in 1689, and "Sir Evan Dhu and his men true," are commemorated as having done great service at Killiecrankie.

fore the Criminall Court, for attemping to assassinate him, minaceing, and appealling him to the combate. The ground of quarrell was, the King had nominat Mr Rorie, Baillie of Carrick, in place of Earl of Cassills, who refused the Test. The affair being referred to Tarbat Register and King's Advocat, both MacKenzies, they decerned Cullain to crave pardon while Mr Rorie was sitting in judgement at the Michaelmas Head Court of Carrick; and pay 15 lb. Sterling for the witnesses' expences.

3d September. Drumond of Blair, the Chancellor's Purse-Bearer, made conjunct in the office of keeping the signet with Paterson of Banackburn; so each secretary has one, and Blair deputed under him Patrick Johnston of Gormoch, to be conjunct with Robert Paterson, Banackburn's brother. 3d September, 1685.

A great many whigs, dyvors, and broken men shiped with Scot of Pitlochie, and John Johnston, drogist, the two undertakers, to take them to East Jersy. But they quarrelled by the way anent which of them should have the disposal of the cabine; and after four months sailing, the ship came to Jersy; but Pitlochie and sixty men more died by the way. 3d September, 1685.*

* This undertaking had such an issue as it deserved. Wodrow gives the following account of the voyage. "After they turned the Land-end, the fever began to rage in the ship, especially among such who had been in the great vault of Dunotter. Not a few of them were sick when they came aboard, and no wonder, considering the barbarous treatment they had met

The Chancellor parts fra London, 12th September, after him Marquis of Athol. There is discords amongst our great ones.

By a letter frae the King to the Councill, they order his birth-day, being 14th October, to be observed as ane anniversarie festivall, by sermons, thanksgiving, and other demonstrations of joy; although others say, the 13th October; as Spordanius, in his Continuation of Cardinal Baroni's Annals, Baker, and some others; but King Charles the First his own manuscript, (who certainly knew it best,) calls it the 14th October.

The Bishop of Edinburgh (Paterson) suspends Mr George Trotter, minister in Edinburgh, for bad words, in alledging the Magistrates drank the ministers' stipend, 18th September, 1685.

21st September. There came a letter to the Councill frae the King for stoping the election of Magistrats in Edinburgh till his Majestie's pleasure;

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with; besides much of the flesh, which the captain of the ship had provided for the prisoners, began to stink before they sailed out of Leith Road, and in a few days it was not eatable.

"In a month's time the fever turned malignant, and few or none in the ship escaped it, in so much that it was usual to cast over board three or four dead bodies in one day. Most of the ship's crew, except the captain and boat-swain, died. Pitlochie, who had freighted the ship, with his excellent lady, died likewise, and so enjoyed nothing of the produce of near an hundred prisoners, gifted him by the Council; and near seventy persons died at sea." Vide *Wodrow's History of the Sufferings of the Church of Scotland, p. 566. Vol. II. Edinburgh*, 1722. *fol.*

which being intimat to the Councill, it was explained, so as the new-chosen Deacons behoved to retire frae the Councill, and the old ones came back and officiat till the King's furder pleasure. This letter disapointed Robert Baird and Thomas Hamilton, (the Theasurer's creatures,) their faction; the one designing to be Provost, the other Dean of Guild. And it was then reported, that the King would recommend Sir Andrew Ramsay or Charles Murray to be Provost; but Sir James Rochhead, by moyen, with Melfort, and Secretary, and Colonell Warden, got a letter in favors of Thomas Kennedie, 21st September.

24th September. By speciall warrand from the King, the heirs of Duke of Monmouth, with Sir James Dalrymple of Stair, and Fletcher of Salton, are ordered to be cited in sixty dayes at Mercat Cross of Edinburgh, and Pier Shore of Leith, in order to be forfiet.

4th October, there came a letter for re-imprisoning the two Cesnocks (Campbells) in the Bass, though formerly liberat, notwithstanding their remission, which was only for their life, because Sir John Cochran had made them very black, (as in effect they were,) though they with great confidence denyed the same.

There came a letter, the same time, naming Baillie Kennedie to be Provost, who was admitted.

Being the town of Edinburgh's election-day, (for Michaelmas this year [fell] on a Tuesday, and so could not elect till Tuesday thereafter, (as their fatal

mistake in this point, in the year 1674, taught them,) the Privy Council adjourned, Earl of Lithgow and MacKenzie, the King's Advocat, assessors, to see their election orderly done; and that they all took the Test. It was objected by B. Brand against chosing Magnus Prince for Dean of Gild, because tackman of some part of the Town's Comon Good.

There's a criminall pursute against Mr Thomas Hamilton, minister at Hamilton, and Dean of Glasgow, (he was son of Woodhall), for sodomy, at least attemping thereof; and Muirhead of Stevenson, and some other of the witnesses, said the Dean used base postures to them, by taking them by the privitys, &c. Steil, the informer, at last being imprisoned, he to procure his libration, said it was the Whigs sett him on the affair. 6th October, 1685.

Duncan Campbell of Achinbreak and Mr Alexander Campbell, Advocat, and others, were cited on sixty dayes for treason.

14th October. The King's birth-day observed with great solemnity.

About this time Sir Robert Sibbald and Hugh Brown, apothecary, turn Papists. October, 1685.

There came a sharp letter frae his Majestie to his Councill, procured by the Chancellor and his brother Melfort, reproaching them for a letter sent to the King with Marquis of Athole, recommending him as a person fitt to serve his Majesty in any trust, (which was tacitly to insinuat him to be Chancellor;) and intreating the King not to believe misinformations against

his Officers of State. And he requires them to tell whom they meaned by misinformers; and who were the officers accused; (all this was aimed against Tarbat Register, who had contrived that letter, to secure himself against the informations of the Chancellor and Sir John Cochran, hounded out by him.) His Majestie also rebukes them for examining Mr John Veitch, when the Chancellor had left him closs prisoner, and discharged any to have access to him without the King's special warrand. The Chancellor's design was to cause Veitch load the Theasurer, as if he had connived at Mr William Veitch, his brother, a traytor, sliping out of the way; Athole and the Register brings him out of prisone, after the Chancellor's going to Court; and causes him declare he knows nothing of it. The Councill was straitned as to their answer, but sent a humble letter, submitting to his Majestie's judgement. Some blamed Melfort for causing such a hectoring letter to be sent. Veitch falling sick, and supplicating for a physitian, they would allow none but Doctor Sybbald to go to him.

24th October. There came a letter signed by the Secretarie to the Bishop of Edinburgh, (Paterson), importing that there was seditious speeches uttered in the pulpits of Edinburgh, tending to stir up the people to a dislyke of the King and Popish religion; and ordaining the Bishop to advert thereto on his perrill; who convened the ministers, and intimate the same to them. It had arisen on the publict reflecting on Dr Sybbald; and the Ladies of Erroll and

Meldrum had threatened the Bishop therefore. 28th October, 1685.

The Lord of Cardross's estate was rouped and sold to Earl of Mar, for seventeen years' purchass, whereat Cardross' lady grudged, the rental being too low, and no regard had to planting, 28th October, 1685.

There was a strict act of Councill of Edinburgh against beggers, 28th October, 1685.

The town of Edinburgh laid aside Sir Patrick Hoome and Mr Charles Gray, Advocats, from being their Assessors, because brought in by Provost Drumond, 4th November, 1685; and there was brought in, in their places, Sir John Gordon, by moyen of Duke Gordon, Mr Robert Stuart, he was Provost Kennedie's cousine, and Advocat, and continued Lauder of Fountainhall with them. This makes the post ambulatory with everie Provost, that their friends might go out and come in with them. 4th November, 1685.

The Gunpowder Plott was only kept by the Lords of Session, because there is no Session this day; but as the former years were forgot by our churchmen in having no sermon, and by the Castle in November, in giving canons, it's this year *pro primo* forgot also by the Magistrates of Edinburgh, who had neither bells nor bone-fires, which they had in 1683 and 1684; yet was kept with great splendour at London. 5th November, 1685.

The Duke of Queensberry Theasurer gets ane exonoration (for all failures in publict posts) past the

Seals, albeit long stopt by the Chancellor and Melfort his brother. 10th November, 1685.

The King's letter is read at Councill, 12th November, 1685, dispenseing with the Test to some Papists, who were named in Act of Parliament 1685, annent the supply, to be Commissioners in their respective shires, for uplifting thereof. The letter bore, that the said Act, by mistake, had enjoynded the said Commissioners to take the oaths of Supremacy and Test; wheras by the Act of the Test itself, and the additional act 1681, they were, *de industria*, left out, seing the King's service must not be stopt by that; therefore he names about twenty-six Papists who were Commissioners of that Supply, viz. Duke Gordon, Seaforth, Earl of Traquair, Lord Oliphant, Cockburn of Clerkington, Irving of Drum, Gordon of Rothymay, Lesly of Balquhane, Gordon of Gight, Menzies of Pitfoddels, Abercombie of Fetterneir, Fraser of Kinneries, &c. Exeamed frae taking the Test, and impowers them to act without taking it, which seemed a downright derogation to the Act of Parliament 1685, and not in the King's power; for Sir George Lockhart said, whatever that dispensation would secure them for all proceedings, yet if they acted after it, they contracted a new guilt. It had also another clause: But prejudice to his Majestie to dispence with any others he pleased; but ordained the said oaths to be imposed on all others which is conform to the Act 1685, ordaining all Protestant heretors to take the Test. The true case was, the Duke

of Queensberry, when Commissioner, had in his instructions for the Parliament, to suffer nothing to pass to the prejudice of Papists, more than was already.

Lord Kintore Theasurer-depute, and MacKenzie Register, slipt the clause into the Act, which being challenged by the King, the Chancellor and Theasurer purged themselves thereof on oath, so it landed at Tarbat the Register's door, which made Duke Gordon do him all the bad offices he could for sometime.

Mary, sister to Earl of Morton, pursues Sir James MacDonald of Sleat, her husband, for ane aliment, she having refused to cohabite with him, because he brought in his concubines, and sett them above her at table; which is granted. 12th November, 1684.

It's said, Sir William Bruce wes to [be] made generall oversier of the Mint. The Lord Maitland had a promise thereof; for though they lybelled malversations against Lauderdale his father, yet they had none to charge him with, and he was conjunct in the gift with his father.

Sir John Falconer was now also to be reponed to be Master of the Mint, if he would turn Papist, but he was thought *merito* disappointed, because he betrayed Earl of Lauderdale. 16th December, 1685.

The Earl of Kintoir, by assistance of Queensberry and Strathmore his brother-in-law the Earle of Middleton, got a gift of the fines imposed on the gentrie of Murray for conventicles, &c. except Grant of that ilk, who got a discharge. See a great debate *inter* Sir John Hall, long William Johnston, James Clelland, and Jonston of Poltoun, in a manuscript of

Lord Fountinhall's, beginning and ending 1688. p. 29. 202.

A fire in the upmost Baxter's Close, 21st November 1685.

The town of Glasgow has ane action against the Archbishop of St Andrews (Ross), wherin Archbishop of Glasgow (Cairncroce) concurs anent a bond of 20,000 merks, given Ross for a tack of their teinds, albeit their former tack was not expired; and Cairncroce joined with the town, to see if the casuality should fall in his tyme, albeit the tack wanted but a month to run out. The Lords of Session refused the town's bill, reclaiming at the exorbitancy of the grassum of 20,000 merks for a tack of teinds not worth 500 merks *per annum*, taken by the last Provost, John Barnes, for his own ends, when he was made Provost by Bishop Ross, and when he was bankrupt. 28th November, 1685.

Commissioner Monro, on a bill, and taking the Test, admitted Advocate.

One Nisbet, and another called Stranger, hanged for being at Pentland, Bothwell, &c. and denying the King's authoritie, in Grass Mercat, and a third reprieved for owning the King.

Dr Alexander Monro, professor of Divinitie in St Andrews, made Principall of Edinburgh Colledge, in place of Mr Andrew Cant, latelie dead, 9th December, 1685.

Cathcart of Cabiston reponed to Clerkship of Cannongate, 12th December, 1685.

Sir David Falconer of Newtown, President of the Session, dyes 15th ditto.

The King's letter to the Lords of Session anent Lord Maitland, desyring their solution of the two questions, 1*mo*, If his gift of Conjunct Generall of the Mint with his father, expired by the last King's death; 2*do*, If the decreet of the Mint against his father proved any malversation against him. Thir objections were backed by Queensbery, Thesaurer, and Sir William Bruce, who was seeking a right therof frae the King. The Lords (after reading the decreet and gift, all, except three,) voted that his gift, being *ad vitam*, fell not by the late King's death. 2*do*, That, in the Mint's decreet, there was no malversations proven against him. 16th December, 1685.

The Justice Court mett 12th December, in order to forfeit the Duke of Monmouth, Dalrymple of Stairs, and Fletcher of Salton. But they wanted both a full assyze, and also witnesses, and continued them to the 4th January. They resolved then, if they could get no more of Stairs, at least to denounce him fugitive, whereby they would get his Escheat during life; but his son, Sir John, by his policy prevented this. 12th December, 1685.

William Baillie of Torwoodhead was served heir to James Baillie, last Lord Forrester of Corstorphine, his father's brother. This service will give him right to the title of Lord Forrester, if so be that it was not temporarie in the last Lord's person.

24th December, 1685, the Session sat, albeit it was Christmas even.

The Chancellor Perth arived at Edinburgh post frae London; Graeme of Claverhouse, Earle of Balcarris, &c. being with him. *Nota*, There is no word of Claverhouse, since the 16th Aprile, 1685, either at [*as*] being against Argyle in his invasion, or otherwise. But no doubt, when he was at Court, he has been active against Queensberry; and its probable, being at England, he might have been at Monmouth's rebellion.

The High Thesaurer, and Earl of Kintor, Thesaurer-depute, came home frae London, 24th December, 1685.

Remissions came down to Sir John Cochran, and his son, Mr Bruce, and the Germane, to be witnesses against Fletcher of Salton, and to Sir William Scott, younger of Harden, who had given security for his fine of L.3500 Sterling, 29th December, 1685.

The Chancellor installs Sir George Lockhart President of the Session, who took the Test; though, before his defection, he looked on it as unlawful, 1st Januarie, 1686.

Fletcher of Salton forfiet; one of the witnesses depones he was forced to leave Monmouth, and fly for having killed Dare, a goldsmith, 4th Januarie, 1686.

Sir Duncan Campbell of Achinbreak, and thirty-two more Argyle heretors, forfiet in the Justice Court for joining Argyle. The witnesses against them were Campbell of Alangreig, &c. though not remitted,

[and] Campbell of Otter, whose estate was gifted to Commissioner M'Lean, 4th Januarie, 1686.

There was a surmize, that there was a protestation to be taken against the Chanceller as sitting in the Councill, being a Papist. But Archbishop of St Andrews, Ross, discovering that Archbishop of Glasgow, Cairncross, wes handed out as Queensberry's shadow, intended it, he disassented, and Glasgow absented himself.

The Earl of Lauthian admitted Counciller by King's letter, with 300l. Sterling, *per annum*, which some thought strange, being so nearly related to Argyle. Some said it was to make him serviceable in the ensuing Parliament, though it was said, when the King was fighting against the Dutch, in 1673, he behaved noble as a volunteer. 5th January, 1686.

A letter frae the King, for prosecuteing these Protestants that had not tane the Test, and another for prosecuting absent heretors from the host against Argyle.

Sir William Sharp of Scotscraig, is named by the Councill to be Baillie of the Regality of Musselburgh, in place of umquhile Sir William Sharp, his unkle. This is only untill the Dutches and Earle of Lauderdale agree. 5th January, 1686.

The King's letter for liberating Campbells, elder and younger of Cesnock, out of the Bass.

The High Theasurer produced in Exchequar a list of the pensions his Majestie had granted to fifty-two persons; whereof there is above 12,000l. Sterling paid

to Papists, as Countess of Perth, Lady Errol, Largo, Margaret Hay, Traquair, Collonell Whiteford, Doctor Sibbald, Lockhart, Castlehill, Ogilvie of Boyne, &c., had also pensions, and some former pensioners kept out; and there is a letter frae the King, declaring though his brother had given Collonell Oglethorp, Gordon of Erleston his lands, untill payed 5000l. Sterling, and that they were annexed by act of Parliament 1685; yet his Majestie disolved them frae the Crown, and willed that they should absolutely belong to him. 8th January 1686.

Some crucifixes, beads, and other Popish trinkets, being taken in a ship, were overlook'd at Chancellor's desire.

Tarbat, Lord Register, 12th January, went for London.

Sir George Lockhart, President, made Counciller, and one of the Exchequar.

Lord Ross made a Counciller.

Generall Drumond made one of the Secret Comitty.

Sir Daniel Carmichael liberat out of Edinburgh Castle, on suspicion of accession to Bothwell Bridge rebellion, on caution.

Letter frae the King, ordering the Chancellor (albeit Popish) to sitt in all Judicatures, without taking or renewing the Test, which is dispenced with as to him.

15th January 1686. A Exchequer. There was a remission produced for Ogilvie of Logie, for killing Alexander Lesley, writer in Edinburgh, and the King

had modified the assythment to be 200lb. Sterling, which the relict refused, saying, that her husband was murdered, as appeared by a precognition, and desired he might be tryed at the Criminall Court. The Exchequer ordered the assythment to be consigned; and the King's Advocat, as Dean of Faculty, proposed it might be given to the Advocats, for buying books to their library.*

His Majestie's letter for reponing Sir James Rochead, Town Clerk of Edinburgh, to his post, if, after tryal, he was illegally putt out; declaring the Magistrats of Edinburgh, and Town Councill therof, to be sole judges of their clerks, and discharges the Privy Councill, or Lords of Session, to meddle therwith. (This was to stop advocation or suspension against the Town Councill of Edinburgh.) And the two former clerks were turned out, and Rochead and James Hamilton to whom he sold the half of the place, were reponed; but it was *durante beneplacito.* 22d Jan. 1686.

Sir William Sharp, being come frae London, produces his gift to be Master of the Mint, in place of Sir John Falconer. Many thought Sir John rightly served, for deponeing against, and loading Earl of Lauderdale, with a prospect to keep his place, whereof, it wes said, he had ane offer, if he would be Popish; and he, being ashamed of that, dyed shortly after at

* See more of this affair afterwards. The assythement was the compensation due to the relations of the slain man, and the disposal of it to the Advocates' Library seems very singular.

London of break-heart; and his relict having turned Papist, got favour by it. 22d Jan. 1686.

A motion made, that the Advocats, having a considerable stock of money, by their getting 500 merks for their intrants, and the Lords being importuned by a Grecian minister, and others, for charity; that, therefore, they may take inspection how they spend their money, and take some of it for charitable uses. Though this was pretended, yet the true cause was, the Popish priests had incensed the Chanceller, because the Advocats had given Monsieur Du Pont, a French Protestant minister, 500 merks; wherewith they were upbraided, as having nothing to do with their money but to give it to rebells and vagabonds. 27th Jan. 1686.

Fletcher of Salton, his forfeitur is given to Earl of Dunbarton, who sends down a factory to his brother, Duke Hamilton, to manage it. 26th Jan. 1686.

There is a pursute, at the instance of Sir Robert St Clair of Stevenson, against Sir James St Clair of Kinnaird, as heir to Mr Thomas St Clair of Ulbster, his uncle, for payment of a jointure to Mr Thomas his relict, Anna Fouls. 27th Jan. 1686.

Books against Popery discharged to be printed. Jan. 29th, 1686.

Dalrymple (Sir John) released from his confinement within ten miles of Edinburgh, and enlarged. 29th January, 1686.

Mr James Grame, Advocat, made ane of the toun of Edinburgh's Assessors, 29th January, 1686.

30th Jan. 1686. No Session; but keept as a fast, for murder of King Charles the First.

Rabble great in Edinburgh of prentices rose, threatening to pull down Mass-house; disturbed the Chancellor, Lords, and others, at their coming therefrae, by throwing dirt on them: And some of the boyes haveing been taken, are ordered to be whipt, and, in the interim, are rescued frae the hangman, and he beat. And the rabble continueing, the forces in Cannongate and the Castle are called to assist the townguard, and a woman is killed, and a prentice of Robert Meins; and nixt day a woman and two men are scourged, guarded by sogers on both sides; and ane Moubray, ane imbroyderer, was indicted for his life. Queensberry, to blow the coals, in odium of the Chancellor, said it was lyke Machiavelloes riseing. Doctor Sybbald, for fear of his life, fled to London. Queensberry Theasurer, and his faction, aggravated the affair much, of purpose to force the Chancellor to take rigourous courses for irritating the populace; but the Chancellor was desired to carry moderat, lest it should marr his designs in carrying on Poperie. 31st January and 1st February, 1686.

Sir Andrew Ramsay got a letter frae the King in 1667, that he, as Provost of Edinburgh, should have the same precedencie that the Mayor of London had, and that no other Provost should be called Lord Provost but he.

The Lords fand, that by the patent granted to the Phisitians, the Magistrats of Edinburgh have not a

negative; but that the Colledge of Physitians may proceed, albeit the Magistrats be not present, or being present, do not concurr, intimation haveing been made to them, to be present. 2d February, 1686.

The Chancellor (Perth) being present at a debate anent calling phisitians, who, if they could not be found, and if a chirurgeon were present, he might supply his place; and said baptism, in cases of necessity, might be administrat by any. The King's Advocat, MacKenzie, seeming to despise the similie, the Chancellor took it hot, and as a contempt. So from this the Advocat's fall is intended, because he would not be for taking off the penal statutes, and makes way for introduction in his post, that arch traytor, Sir John Dalrymple, who was *felo de se*, the very same night he had a great hand in closing the hellish union of the two kingdoms, in 1707. 2d February, 1686.

John Strachan, Writer to the Signet, imprisoned for reflecting on Lord Ferret (Balfour) in not doing him justice. As also one Mr Patrick Lyon, Advocat, who, he said, had attemped to assassinat him; but having submitted, and craved pardon, he was liberat, albeit some were for depriving him as Writter to the Signet. 6th February, 1686.

There being a letter from the Councill to the King, desireing to explain, if he meaned that the third of the fines imposed on persons wes only to be abated, or the third was only to be exacted? And upon the occasion that some of the Clidesdale gentlemen, friends

and vassals to Duke Hamilton, were fined above the value of their estates; the Duke and the King's Advocat falling hott thereanent, the Duke rudely threatened to cause crop his ears, though he was ane Officer of State. Here this cowardly Duke, perceiving the Advocat's apparent fall, and with him his great enemy Queensberry, Theasurer, baselie insults him, albeit he was the brightest man in the nation.* 4th February, 1686.

Two were pannelled for the Rable, and condemned to be hanged, 10th February; but the Councill sitting on the 9th, reprived them to a longer day, for fear of angering the populace too much. 8th February, 1686.

Sir John Dalrymple having drawen a bill for Sir Alexander Hume of Renton against Sir Patrick Hume his brother, importing forgery, craves Sir John may be censured therefore, 8th February, 1686.

There's a letter frae the King in favors of Lord Maitland to the Lords of Session, (which he procured by turning Popish,) against Dutches of Lauderdale, deseiring them to submitt the affair to arbiters; (but the President, Lockhart, lyked not rueling the Session by Letters.) The Dutches choosed the President, Sir Roger Hogg, Lord Harcars, and Lauderdale, Lord Castlehill, Lockhart, and Lord Pitmiden Seaton. The Chancellor oversman. February the 9th, 1686.

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* Sir George MacKenzie's talents were famed out of his own country, and by those who were best qualified to appreciate them. Dryden designs him as "that famous wit of Scotland."

The High Theasurer Queensberry communicat in [the] Abbey Church, to lett see he was no Papist, February, 1686.

Duke of Monmouth forfieted and condemned at Criminall Court, 15th February, 1686. The King put it in his Dutches' option either to go with her children to Scotland, to be present at the tryall, or send a commission to Lawiers. She choosed the last, and named Mr Thomas Learmuth, Mr James Graham, and Lauder of Fountain-Hall for that effect. But the Justiciary told them, if they protested that the doom of forfieture against the Duke should not prejudge the Dutches's right to the estate, she being fiar thereof, they behooved to repell it, as not being competent *hujus loci*; and so the Advocats compeared not, and he was condemned on thir three points; Invadeing England, assuming the name of King, and for his touching the Creualls *jure corone*. 15th February, 1686.*

There came two letters frae the King to the Councill anent the late tumult, declaring, he very warmly resented any injurious attempt against his Chancellor, whom he would protect to the uttermost; commanding them to make strict search into the authors of it by torture and otherwise; and because a landlord hade poinded Watson, a Popish printer, his presses, &c.

* This forfeiture was an act of peculiar injustice, the Duchess being the real proprietor of that large estate by inheritance, while the Duke, to whose treason she was in no degree a party, had only a liferent interest in it through his marriage.

They were brought back violently. It was also said there was a privat letter to the Chancellor, checking him for suffering publict masses. The second letter was anent the gentlemen fined, superceeding the exacting thereof, and allowing them to be sett at liberty on caution. And for those who were fined and imprisoned for their wyfes, conventicles, &c. they were allowed to be discharged where they were known to be of loyall principles themselves. This last letter was procured by the Chancellor (no doubt to allay the ferment of the Protestants against him) without the Theasurer's knowledge; he had assured the King that his armie and pensions could not be paid if the fines were remitted. The Chancellor moved that a seditious sermon preached on Sunday last by Mr Kinaries, minister at Selkrig, might be tane notice of; alledging therein that no man of sense could believe the Pope's infallibility, Transubstantion, &c. But he was after suspended, reponed, and suspended, *pro secundo*, 16th February, 1686.

The Archbishop of St Andrews (Ross), and Paterson, Bishop of Edinburgh, go to Court, 16th February, 1686.

Mr Alexander Ramsay, minister at Edinburgh, was silenced by Bishop Paterson, for speaking of Poperie; but after reponed. 16th February, 1686.

John Weir of Newtown, (who was an arrant Whigg rogue,) the dyet deserted against him before the Justiciarie, for which, no doubt, he has paid the Chan-

cellor's doers well; the High Theasurer oposed it, but lost it, 18th February, 1686.

The Chancellor Perth gets a gift of 8000lb. Sterline, out of the first of the wards and marriages, 19th February, 1686.

Mr Thomas Gordon, Clerk of Justiciary, gets a pension of 100 lb. Sterling *per annum*, for his pains in the Justiciary Court and Circuits, 19th February, 1686.

A drummer shot in Lieth (for saying he could run his sword throw all the papists) by martial law; though he denyed the words, yet declared he would not redeem his life by turning papist, 23d February, 1686. Witnesses were Irvine of Bonshaw, &c. who falling out, called one another perjured.

Mr Griffith, an Inglish Presbyterian minister's son, who was with Argyle, sent to London in ane yaucht.

David Logan, merchant, conjoined with George Falconar, Keeper of Advocats' Barr and Parliament-house. This Falconar hade been put in joint with Walter Cuningham by Newtoun Falconar, President, now dead.

Keith, a Fenceing-master, condemned to be hanged by Criminall Court, for uttering words approveing the late rabble. It was proven that he said, if the trades' lads would fall on the Town-Guard, he should secure their Captain Patrick Grame for his part; and for drinking the confusion of papists, though at the same time he drank the King's health; yet the Chancellor was inexorable, and beat his own son for pleading for him,

(and this was called to remembrance, when the Chancellor himself was taken and maltreated by Captain Boswall in Kirkaldie, who took him by sea when making his escape to France, after the Usurpation in 1688,) and so he was hanged on 5th March, 1686, and dyed piously. He was dealt with to accuse Queensberry with accession to the rabble, but refused. He had been servant to the Earl of Kintore, a creature of Queensberry's, 26th February, 1686.

Tarbat Register (M'Kenzie) returns frae London, (whereto he went, 12th January, 1686,) having adjusted our parliament affairs anent the exercise of paperie, and assured the King it would doe, 27th February, 1686.

Fountinhall's lady dyed 27th February, 1686. Her [death] he calls *Charissimæ meæ Conjugis amarissima et Luctuosissima:* on the margine he writts, *Nota, Non obliviscenda.*

Boyd of Packell pursues his brother before the Criminal Court for perjurie, 1st March, 1686.

Johnston of Lockerby, ane old man, pannelled for adulterie there, 1st March, 1686, both deserted.

Duke of Queensberry put out from being High Thesaurer (being to be put in commission) by the King's letter; and the Commissioners were five, viz. Chancellor Queensberry, Tarbat, Generall Drummond, and Queensberry made President of the Councill, with a pension, which was, first to break his head, and then put on his how [hood]; and there is joyned to Hugh Wallace, Queensberry his creature, Alex-

ander Mylne of Carrin, late Provost of Lithgow, and James Calder of Muirtown, a friend of the Earle of Murray, Secretaries, and the hail Commissioners of the Theasaury, take the Test, except the Chancellor, 2d March. Thus fell a great man (Queensberry), little regretted. This has been minded by Queensberry his son and brother after the Revolution, the last two having turned egregious traitors to King James VII., and betrayers of him and his intrest.

The narrative of the late Rable against the mass is extended and swelled to a great bulk, and sent to the King; one part bore some had spoke contumeliously of our Lady, which was scored out, and the Virgin Mary put in, on design to load Collonel Douglas, Queensberry's brother, as negligent, and to get admirable Grame of Claverhouse in his place, 4th March, 1686.

Campbell of Calder, younger, invades and affronts Ogilvie of Boyne, at 12 o'clock, after he had come of the bench, (being Lord of the Session,) and spat in his face in the High-street of Edinburgh. The cause was, he was said to have lyen with Boyne's lady, daughter of Earle of Eglintoun, 11th March, 1686.

The King's letter for making Duke Gordon, Captain of Edinburgh Castle, in place of Queensberry, and he admitted without any oath, being a Papist, 11th March, 1686.

The Earle of Lauderdale re-admitted Privy Councellor on the King's letter, March the 15th, 1686.

There is a letter frae the King to the Session, stop-

ing the process betwixt the Earle of Lauderdale and Earle of Aberdeen, anent the decreit of the Mint, and Aberdeen's concussion of Lauderdale, 23d March, 1686.

This morning, Duke Hamilton, Sir George Lockhart, President, and General Drumond, go for London, to receive the King's commands anent the Parliament; because the first two showed some aversion, in the Secret Committe, to consent to the rescinding the penal laws against Poperie, and the Chancellor had procured their upcalling, to cajole them over their scruples. 26th March, 1686.

The Earle of Strathmore being arrived from London, is by his Majestie's letter, made Extraordinar Lord of Session in place of brother-in-law Midleton. 26th March, 1686.

The Lords suspend Mr Edward Wright, Advocat, for giving rude language to Seaton, Lord Pittmedden; which following on the back of Campbell of Calder's basenes in spitting in Ogilvie Lord Boyne's face, the Lords called in the heall Advocats, and intimat to them, that it was *mali exempli* to their clients if they should carrie indiscreetlie to the Lords.

Ane souldier of Mar's regiment hanged for killing ane Sloss, a Messenger, when he had poinded his house for debt; he was delayed till the 7th of Aprile, because of the Passion Week. 29th March, 1686.

The Duke of Queensberry got a letter from the King, full of favour, saying, he would never forget the

many services done him. This was cajolling him, to serve his interest in Parliament. 29th March.

Mr John Richardson being admitted Advocat on a bill, but refuseing to pay his 100 merks, the Lords of Session ordained him to pay it.

Craigie of Gairsie gets a tack of Orkney and Zetland, for five years, at 2000 lib. Sterling *per annum*. He became stewart thereof: Magnus Prince, and Dean of Guild Murray, were cautioners. 30th March, 1686.

Bailie James Grahame, in Edinburgh, haveing invited Jaques Mell, in Rowan, in France, that had fled therefrae for persecution, wes invited to Scotland by Græme, promiseing him all security. But getting engaged in a submission and decreet-arbitrall, he was offering to distress his person, though he had goods of his in his hands to the value of 8000 livers, and the Bailly's claim against him was only 1000. Græme got a warrand to arrest him frae Privy Councill, on account he was to flee, after they made some agreement.—*Nota*, This Baillie was father of James Grame of Airth, Advocate. 31st March, 1686.

Two yaughts arrive at Leith with Earle of Dunbarton, and Collonel Douglas's regiment went back with them to London. 30th January, 1686.

The Archbishop of St Andrews (Ross) and Bishop of Edinburgh (Paterson) return from London, 31st January, 1686. The first was put on the Secret Committee; and the second reponed again to the Privy Councill, with a pension of 150 lib. Sterling *per annum*, with a letter declaring the payment of the 50 lib.

lib. Sterling *per annum* by him to the Prebends to cease, in respect they did not officiat in the Cathedrall; and so, in effect, he got 200 lib. Sterling for this base compliance; and besides got a gift to himself from the King to be Chancellor of Edinburgh Colledge, whereby he aimed to reach Dr Monro, the Principal, upon plurality of benefices, being also a Minister of Edinburgh. The King gave him also the gift of the liferent escheat of William Hay, Commissary Clerk, whereby he might turn him out of his place, he having a proces depending against him for depriving him on malversations.

The Shirifship of Argyle taken from the Marques of Athol, the 31st of March, 1686.

The commission comes down to the Earle of Murray to be Commissioner to the Parliament, bearing ane express power to disolve the annexed forfieted estates from the croun; for Melfort had got many of the unannexed forfiet estates.

Sir Thomas Kenedy, Provost of Edinburgh, knighted by the Chancellor, on a letter frae the King. 8th Aprile, 1686.

The Convention of Burrows, and Synod of Edinburgh, met 13th Aprile, 1686. There was a paper affixed on the Convention door, advertising the members to bewar of Kenedy, Provost of Edinburgh, and Alexander Mylne, Provost of Lithgow, who were to lead them as they pleased to breaking the test; so, that to begin, some caused the rest take the test who had not

been formerly members. As to the Synod, some hade the *cencio ad clerum*, who much pressed tolleration to all who differed from us in judgment, insinuating a charitable accommodation with the Papists. The Bishop of Edinburgh, (Paterson,) in his speech told them, that the King would defend our religion, and only craved the exercise of his own to those of his perswasion in privat, without hazard of the Laws; which, he said, could not be denied him, because he might take it by his prerogative of the Church supremacy, asserted by Parliament 1669. He told them, the Archbishop of St Andrews (Ross) and he had got ane ample commission to suspend and deprive, by themselves, any that preached sedition, though they should be Bishops; and Mr George Sheills, minister at Prestonhaugh, having preached rudely against Poperie in the Abbay Church the Sabbath before this, was sharplie reproved, albeit he said, the Pope was as litle infallible as the Bishop of the Isles, who was one of the silliest Bishops in the world, and that he would believe the moon to be made of green cheese, and suellie it, as soon as believe in Transubstantiation. The Bishop asked, "Why do ye not preach against Mahumitanism, Socinianism, &c. as well as Poperie."*

* To which probably the accused Divine durst not make the irrefragable answer, that there was no danger of his hearers turning Turks or Socinians, but some risk of their being seduced into Popery.

Mr David Scrimseor is imprisoned annent Dutches of Monmouth's affairs. 15th Aprile, 1686.

The Earle of Murray, Commissioner for Parliament, arrives at Abbey, 26th Aprile, 1686; Duke Hamilton, the President Lockhart, and Generall Drummond came nixt day.

29th Aprile, Parliament sat down. Prayers by Bishop of Edinburgh, (Paterson).

Lord Forrester offering to sitt amongst the Peers, the King's Advocat objected against his right, the last Lord's patent being but temporarie; so he was rejected till he cleared his title. And there being three of the list that were upon the articles dead, the Commissioner named Generall Drummond, Murray, Lord Drumcairn, and Innes of Cockston. Lord Maitland carried the purse before the Commissioner, whose daughter, with Lady the Maitland and other Ladies, were in the Parliament House, behind the throne. It was a rainy day, as was almost all the summer.

Two of Fountinhal's servants being imprisoned for giving in to print Reasons against taking away the Penal Laws; and they telling they got the Copie from Mr John Elleis, Robert Kyle, &c. were liberat, 3d May, 1686.

The Earle of Dumfermling admitted Counceler on [the] King's letter, Lord Duffus, the lyke, both, 4th May, 1686.

The second Dyet of Parliament was 6th May, 1686, whereon was a hot debate anent answering his Majestie's letter; some said that the Papists ought not to

be called Roman Catholicks, which imported Protestants to be Sectaries; Fountinhall proposed it might be worded thus, these commonly called Roman Catholicks, and albeit the Bishop of Edinburgh (Paterson) was for calling them Roman Catholicks, it carried conform to Fountinhall's proposall, by thirty-seven votes, which marred all their designs this Parliament.

The fourth sederunt of Parliament was 14th May, wher ane act was brought in for restoring the Summer Session: Duke Hamilton was for its beginning 15th November, President Lockhart, 1st January, but carried 1st November.

It was reported that Generall Drummond was to command such members of Parliament as were officers in the armie, such as Marr, R. Ross, Mr Livingstoun, Wedderburne of Gosford, &c. but he would not have commanded the Earle of Belcarras.

The King's letter for laying aside the admirable Sir George M'Kenzie, King's Advocate, because he was against taking off the Penal Laws.

Seaton Lord Pitmidden of the Session, Earle of Glencairn, and Sir William Bruce, (it seems the last has turned malcontent, because he got not the Mint, which was given to Lord Maitland) they were put of the Councell, and the pensions were taken away that were given to Glencairn, and to Dr Bruce, Bishop of Dunkeld.

The fifth Dyet of Parliament, 18th May. This being the first day Lord Cathcart appeared in Parliament, he takes the oaths, and sits down in his place.

The estate of Campbell of Cesnock is disolved frae the Crown, and given to Melfort and Ochiltry. The estate of Sir John Cochran given to William Cochran his son. Fountinhall proposed the unconfirmed vassals might be salved, being so innocent, and the donator, the rebell's son; the Chancellor, in ridicule, said he might write to the King theranent.

The sixth Dyet of Parliament, 21st May. The act anent the summer vaccance is passed, where the Chancellor enlarges them to twenty dayes to gett in Epiphanie and all the other festivals, though the Popish holydayes after Christmass end on 7th January.

Sir William Bruce's Shirrifship of Kinross is attempted to be quarrelled, at least the additions he got into it by Act of Parliament 1685.

The seventh sederunt was 26th May. The Lord Newark comes to Parliament, and is admitted, being brought thereto by Earle of Belcarras to fortify the Court partie, but Earle of Eglington trained him so that he declared against it. The estate of Gordon of Earlston is disolved in favour of Coll. Oglethorp. As for the main Act designed in this Parliament, anent the privat tolleration of persons; there were many meetings about it. Duke Hamilton proposed it might be a general indulgence to Fanaticks, Presbyterians and all; this affrighted Bishop Ross of St Andrews; Sir George Lockhart moved that it should not belong to any converts after the Act. 2*do*, That if they should assume the publict exercise, they should *ipso facto*, forfiet the private. Yet some mad men might be

hounded out to make them lose it; *3tio*, That Papists should be debarred from all publick employments and offices, under pain of treason, and that to be irremissible even by the King, except with consent of Parliament; *4to*, That, by a declaration in writt, all persons in publick trust should own, assert, and acknowledge the justness and lawfulness of this to be Ration, *id est*, Reason.

Doctor Straquhan, in a sermon before the Synod for moderation, allarmed many, because it wes thought he inclyned too much the court way.

Alexander Mylne, Provost of Lithgow, (albeit ane of the cash keepers for the time) on whom the Court laid great stress, deserted it, and declaimed openly against Poperie; and Doctor Sybbald, who returned frae London, whereto he had fled on account of the late rabble, calls for Doctor Bruce, Bishop of Dunkell, and declared that he had no securitie of salvation in the Popish Religion, desiring to be readmitted to the Protestant, offering to make publick recantation; but the Bishop of Edinburgh refused it (Paterson), and Dr Ramsay, Bishop of Ross, (whose sister Provost Milne had married, a creature of Duke Hamilton's, and as Dr Bruce was of Sir William Bruce's, who wes sore dissatisfied for being disappointed of the Mint) preached a sermon before the Parliament against Poperie, wherupon the Chancellor pannelled him before Bishops Ross and Paterson, for defameing him and his brother Melfort, by saying to Earle of Murray, the High Commissioner, that he had put a bone

in his foot, by making him Commissioner, to out him of his Secretary's post; and that they designed him no kindness by the advancement, and, therefore, was not concerned to promote their self ends. This left a great tash on the Commissioners to reveall a secret, though others paliated it, that he did on purpose to let them see he was on his guard.

The eighth Dyet of Parliament, Pringle of Torwoodlie's estate is dissolved in favours of Generall Drummond, * but said to be for the Chancellor's behoof, and Kennedie of Granges, in favours of Thomas Kennedie, Provost of Edinburgh. The Viscount Oxenford was at the expences of forfeiting him, and had a promise of the gift. There is a letter from the King that Sir George Lockhart, President, officiat as King's Advocat, in place of the admirable Sir George M'Kenzie laid aside as above. At Exchequer, the contracts of Excambion, betwixt the King and Melfort, anent Campbell of Cesnock's estate, with Argyle's lands, and the signature to Melfort, on the King's gift, the Bishop of Edinburgh (Paterson) seeks to pass the gift off, and Hay, Commissary Clerk of Edinburgh, his escheat. It was alleadged, 1*mo*, The office falls not, whatever may become of the emoluments. If a Bishop or ane Advo-

* General Drummond carried all the writings, charters, &c. of this honourable and ancient family, to the head of William-law-hill, and there made a bonfire of them.

cat were denuncet, the Donater could not pretend to enter a Bishop or Advocat. *2do*, They offered the debt of the horning, Duke Hamilton was violent against the Bishop. It was recommended to some of their number to setle them.

The ninth Dyet of Parliament was 2d June, wherein the lands Melfort had given the King in excambion, are annexed to the Crown, and Earle of Lauderdale and Laird of Lamont complain that some of their lands are comprehended, but they were not noticed. The 3d June, at Privy Councill, is read a letter from the King, depriving Robert Bruce, Bishop of Dunkell, from his Bishoprick, without giving any reason, (saving it was notour that he was oposeing Poperie) though the gift was *ad vitam aut culpam.* There are also two letters against Wedderburn of Gosford, one for puting him of the Councill, and the other taking away his place as Lieutenant-Collonell to the dragoons.

The tenth Dyet of Parliament, 4th June, wherein is exhibite ane Act anent Weights and Measures, and Monsieur Colbert's birth-breiffe is past, whose father had first sought it, but was disobliged by Lauderdale.

The eleventh Dyet of Parliament was 8th June, wherein is ane Act in favours of Duke Hamilton, excepting the Isle of Arron from the Annexation made in Parliament 1685, of all Argyle's Jurisdictions over the Isles. Then was brought in ane Act anent per-

sons brewing their own Ale, which was a trying vote, the Court having lost it by fifty-two votes. It was said to be a flying in the face of authoritie. Baillie of Jerviswood's forfieture disolved in favours of Duke Gordon, he being superior of Meller-stanes. Dissolution of Scott, Earle of Tarras, his estate personall, and 2000 merks *per annum*, of his lands. Its narrative is for having discovered the Plott. So it may be doubted how far this may enervat his confession as emitted *spe præmii*. The Duke of Hamilton fought against it zealously, for Tarras had loadit him with bad things. But the Duke having left the country party by joining the Court, he saw his own impotence in wanting a backing to second him.

The twelfth Dyet of Parliament was 11th June, 1686. Sir William Bruce and Cromartie's Shirrifships are both quarreled at the Articles, and a new Commission of Teinds is brought in there, to make new Members, and to putt out Queensberrie's ones.

The thirteenth Dyet of Parliament 14th June, Steuart of Coltnes, his estate dissolved in favours of the Earle of Arran. There's an imposition granted to John Adair, geographer, of twelve pence on each ton of every ship, with a recommendation to the gentry anent his mapps. Duke Hamilton moved Annual Rents to be reduced to five per cent., which seemed to impunge the Act 1661, that they should never be lowed. But it was carried in the negative, by Barrons and Burrows, who stuck together in all things this Parliament.

The fourteenth Dyet ditto, 14th June, Sir David Carnaigie of Pittarro, Presses, a hearing against Lauderdale. But the Earle of Murray, Commissioner in favours of Lord Maitland, interposes his negative, and delayes it this Session of Parliament, this being the second time he had used his negative; which the Earle of Southesk took so ill, that he protested for damage, which was a bold attempt, had the Commissioner been a mettalled man. The Act anent the Mint is past, with many amendments from the Earle of Aberdeen, who judged himself concerned in honour to show the mal-administration of that office, to vindicate his decreit with Earle Lauderdale, and whereon his donative of 8000 lib. Sterling flowed, and it's ordained to be scrolled *in mundo*. The Parliament sat frae five to ten at night.

The fifteenth and last Dyet of Parliament was 15th June, wherein is an act rescinding the Commission given 1685, for dividing Argyle's estate; *item*, Ane act rescinding the address made in 1685, against restoreing Argyle's children, done in pique of Queensberry, last Commissioner to Parliament; *item*, 400 merks yearly out of vacant stipends, (to Mr John Birnie, blind minister,) due to Glasgow Colledge. This was called ane invasion of the Colledge's property. The Bishop of Edinburgh (Paterson) called it a charitable work. Earle of Eglintoun and Earle of Dumfriess said, the reformed clergie talked much of charity, but practised it little out of their own pocket. The Bishop of Edinburgh was seeking a ratification of a

gift he had got from the King; finding difficulty, he forbore but to be Chancellor of Edinburgh Colledge.

The indemnity offered by the King, and his Commissioner in his speech, (which one maliciouslie, because of its many exceptions, called a circumcised indemnity,) was not granted in Parliament, because they did not comply with the King's demands. Neither were the offers made to the Burrows to repone them against the Burghs of Barrony and Regality, the fifty sous per tun in France, and the free trade with England, not noticed, because the Burrowes were obstinate against the court party, and so could justly expect no favours; they never being so unanimous in any Parliament as in this; formerly they depending on a nobleman who trailed them, wherefore some called this ane independent Parliament. Many thought, if they had brought in the act of toleration of Poperie in the very beginning of the Parliament, its possible it might have past; the Protestants then not being so allarmed, united, or fortified with arguments and courrage, as they grew after. In the narrative of the draught of that intended act of tolleration of Poperie, some complained as odious, and not a term of our law, for it is remarkable that the draught sayes, these that are of the Roman religion shall have liberty, which is *præsentis temporis, ergo,* in propriety of grammatical construction, those who turn Papists after the act are not included; *2do,* That the Estates should presume to say, those Laws are not execute by their predecessors; *3tio,* In afferming without the King, that

they were resolved to adhere to the Protestant religeon; the three Estates without the King, being *nomen juris*, and haveing no power, and so lookd lyke the rebellious Parliament, *Temp.* King Charles I. The methods to obtain consent to this tolleration act were bad; such as commanding Mar, Ross, Kilsythe, Sir John Dalzell, to their posts in the military, because not for the court, and they offered to give up their commissions; and ordering Hamilton of Orbiston to attend the Highland Commission, whereof he was a member; the staying of Ramsay, Bishop of Ross; the imprisoning of the two servants of Lauder of Fountinhall; the offering to remove Sir John Dempster, Sir Patrick Murray, Bruce of Broomhall, &c. as not being actual burgeses, and so uncapable of voting, and yet had been allowed to sit; the bringing in Lord Newark, albeit he after voted against the court; the importunities and indirect methods used by Sir William Paterson, Mr Thomas Gordon, and Baillie Ædie in Aberdeen, Burnet Regent, his Theses for toleration of Poperie; the threatening Alexander Mylne, Ramsay, Bishop of Ross, and Douglas, Bishop of Dunblane, because he would not give assurance not to preach against Poperie; the Earle of Callender and Sir John Maitland differed from their fathers, Lauderdale and Lithgow, who were for the court side. The Commissioner, after his dinner at Sir Robert Mylnes of Barnton, Baronet, wher he wes noblie regaled, knighted Caddel of Muretoun, who was the only knight he made, except Mr Robert Colt, his

Advocat, whom he had knighted the night the Parliament rose, when his power is expiring *agone mortis;* but refused to knight Mr Thomas Gordon, and it was admired how the Chancellor and his brother came to employ Gordon in so critical ane affair; but they had promised themselves no oposition, and the Papists had a good omen in it, that as one Earle of Murray made the penal laws against them, 1567, (but they were made first, 1560,) so another Earle of Murray his great grandchild should take them away; but that failed them.

The Commissioner went for London the same day the Parliament rose, at four in the afternoon, 15th June, and the Chancellor followed him a few dayes after; each of them blamed another for miscarrieing of the tolleration act. But much blame was cast on Tarbat, Register, in this act of religion; for he had possessed his Majestie with ane opinion of its attainablenes, and showed him the rolls of the Members of Parliament, and had pricked down who he thought would be for it, and who against it. He did cast much of the blame on the two Bishops Ross and Paterson, and they devolved it on the Earle of Tweddale. Mr Robert Innis, Writter to the Signet, is put off from being Lyon-clerk, because of his not complyance with Court measures. Hamilton of Orbistoun, and Johnston, Provost of Glasgow, imprisoned on the same account, though other pretences were made use of.

Some Papists complained that Sir William Pater

son, Mr Thomas Gordon, and Baillie Ædie, their indiscreet medling with members of Parliament did wrong the interest.

Excuse was made for Duke Hamilton and the President Lockhart's going along with the court, that, by their staying in that party, and giving them moderate councills, they could do the Protestant religion better service, than by casting themselves out of employment, by refusing all concessions whatsoever.

Professor Straquhane's sermon about moderation altered the Clergie, and made many of them more zealous against Poperie; and it was said, that the Bishop of Edinburgh, (Paterson,) Lords St Clair, Ogilvie, Boyne, &c. who appeared for Toleration, would have been against it, which is a tacit acknowledgment that they blushed to own avowedly what they did. One said, that the Bishop of Edinburgh, (Paterson,) resembles Stephen Gardner, Bishop [of] Winchester, in time of Queen Mary of England, for subtilty; but, let a man once desert principalls, its easie to be wittie, dissembling, and false. They compared Ross, Archbishop of St Andrews, to Bonnar, Bishop of London, who was headstrong, temporizing, and cruel; but, in some lucid intervals, he begins to think, he has bein too much led and imposed upon. Some talked of staging Paterson, Bishop of Edinburgh, for saying, in his last Synod, 1*mo*, That God had set a Popish King over us for a judgment; which, if true, we cannot pray for the continuance, or long life, of a judgment. 2*do*, That, in plain Parliament, in answer to Lord Blan-

tyr, he reviled our Confession of Faith in 1567, whereunto we are sworn, saying, it contains several things Popish, and other things bordering on phanaticism, which was a misconstructing of the laws, and alienating the hearts of the people from the King; but the rising of the Parliament putt a stope thereto.

And, certainly, its the great interest to keep up the penall laws against Poperie, since Doctor Du Muline, in his answer to Philanox Anglicus, hath loaded them with so many rebellions against our Kings, and that they had a speciall hand in murdering King Charles the First, by blowing up the Sectaries, offering to give sufficient documents for that effect; but they never thought fitt to answer him: And Mr Fouls, in his Historie of the Presbyterians, p. 14, tells us, that, the day of the murder, Hary Spotswood comeing by the guards at the murder, he observed among them that keept the scaffold the Queen's Confessor on horseback; (this is the effect of sending back to France the Queen's Popish servants;) who expostulating with him thereanent, he owned it, and said, there were forty more Priests there as well as he, and that they would get amends of their irreconcilible enemy; and Doctor Du Muline plainly tells, his death was contrived at Rome. And, for our Queen Mary, was it not the Popish Duke of Norfolk that occasioned her death, by endeavouring to marry her; and that the Popish King Henry the Third, by ambassador, (under thumb,) pusht on her execution: And some said, the Priests poisoned her father, King James the Fifth,

least he should have resented the bade councill they gave him about chuseing Oliver St Clair to be his generall at Solway; for to him they gave in a list of 300 Noblemen, Gentlemen, and Ladyes, as hereticks, by whose forfietur he might get vast wealth, but he detested the barbarous proposal. Some alledged, that, by the Act of Supremacie, [he] might set up any form of Church government they pleased, yea, even abolish Protestanisme, or introduce Poperie. But the words cannot bear that gloss; for all that's asserted and declared to be the undoubted right of the Crown is, the ordering, disposall, and administration of the external government of the Church; which Duke Lauderdale made, of purpose to humble Burnet, Archbishop of Glasgow, and others, who judged Episcopacy to be *Juris Divini*, and he would have it only *Jure Carolino, id est*, the law of King Charles Second, and tye them to the Crown by ane Errastian dependance.

Its a bad argument, that the New Testament makes not idolatry (such as Poperie is) death, for neither does it enjoin punishment for sodomy, incest, witchcraft, &c. and yet they are all capitall.

As soon as the Parliament was up, the Councill mett and wrott a letter to the King in favors of the Commissioner, shewing his care; and some went away the same day, being 15th June, 1686.

Hamilton of Orbiston put in Edinburgh tolbooth, for alleadged concealing of Sir John Cochran's demanding supply from him for Argyle, when he discovered Porterfield of Duchell for the same fault,—(*Nota*, It

was Orbiston that brought Duchall to trouble,)—and for recepting rebells in his land, and corresponding with them, though he was a great persecutor of them.

Ministers discharged to reflect on the King his person, or principles, in their sermons. The proclamation is dated 17th June, 1686.

The Archbishop of St Androis, (Ross,) compleanes to the Councill on Jon Jonstone, Provost of Glasgow, for giving in a defamatorie bill of suspension against him. The Provost and Orbiston had opposed the Court. 17th June, 1686.

The Duke of Queensberry, by a letter to the Councill, is deprived of all his posts, and desired not to go out of town till he has cleared his accounts; and so he bought Lauderdale's lodgeing in the Cannongate. 21st June, 1686.

Alexander Mylne, Provost of Lithgow, his gift for being ane of the Generall Receivers of the Revenue recalled, for the undutifull acts procured by him in the Burrows, rescinding a pension of L.100 Sterling yearly, and for sundry other important reasons. 25th June, 1686.

A partie of the Forces sent to take Houstoun *de Eodem* for recepting rebells. His eldest son, though married to Melfort's daughter, had voted in oposition to the Court. 21st June, 1686.

The Councill writts a recommendatory letter in favours of the Chancellor, going to Court, more full than that in favours of the Commissioner. 21st June, 1686.

The Earle of Dundonald made Counciller, bearing a dispensation from the Test, being Presbyterian; which is to be a leading preparative for the Papists to enjoy publick posts without oaths.

Græme of Duntroun, and Powerie, Fotheringham, sues one another, for a ryot, before the Councill; the first, because Powery called him villain and rascall for reproveing him for treading down his corn at hunting, and the other for switching him. Duntroon, (who was the bolder man, that he was Claverhouse's Chamerlain,) meeting Powery in the High Street, spits in his face; because, upon oath before the Councill, he denyes the agression, and Duntroon is imprisoned. 22d June, 1686.

The Chancellor went for London, 24th June, 1686.

John Jonston, Provost of Glasgow, deprived, and John Barns put in his place, till the election at Michaelmass nixt, (25th June); and he ordained, on his knees, to crave Archbishop Ross pardon before the Councill, and sent to prison.

A poor woman, imprisoned in Edinburgh Tolbooth for theft, hangs herself there.

There is a Convention of Burrows at Edinburgh, wherein, first, they restore Melfort Secretary his pension. Nixt, they take to consideration Sir Thomas Kennedy, Conservator,* his gift frae the King, of a

* Conservator of the Scottish privileges at Campvere. This officer was a Judge in matters of dispute occurring betwixt Scottish

ducatoun of every passanger to the Staple Port, and so much on the tun of all goods exported and imported, which two will be worth 2000 lb. Sterling, *per annum;* but its declared in the gift, by the King's appointment, redeemable by the Burrows for 400l. Sterling, yearly, to the said Conservator. The Burrows offered him 200 lb. Sterling, provided he would take himself to the Burghs of Regality and Barrony for the other 200 lb. Sterling. They made also Mr James Elphinston, Writer to the Signet, their agent, with 100l. Sterling for his pains, and incident charges he had been at.

The 15th July, 1686, there is a letter frae the King to his Councill about Sir Alexander Forbes of Tolquhone, remitting him the 10,000 merks, which was the King's part of 20,000 merks wherein he was fined, for calling Ogilvie of Forglen a thieff, and desireing the Councill to reconsider these processes and fines imposed on him, both for the salmond creives, and sclandering Forglen. 15th July, 1686.

Fotheringham, younger of Powrie, pursues Græme of Duntroon, for assaulting him at Edinburgh Cross, and spitting in his face, during a depending proces, and so must lose his cause, conform to the act of Parliament. It wes alleadged the act of Parliament extended only to beating and wounding, and not to simple spitting. The Councill liberat Duntroon out of

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merchants in the United States; which he was bound to decide according to the law of Scotland.

prison, on finding caution to undergo what censure they should after inflict on him.

A new letter comes down for paying Lord Lorn his annuity (having turned Popish) of 15,000 lb. Scots, out of his father's estate, July, 1686.

William Burgh in Kirkaldie, ordered to crave Watson of Aithernie pardon for defamation, (for which he wanted not reason,) is sent to prison during the Councill's pleasure, and only fined in witnesses' expences, 20th July, 1686.

The Lord Tarbat, being deprived of his new annexed Shirrifship of Cromarty, he, by the Earle of Powis' means, in compensation of it, getts his lands erected into a Regality, which Duke Hamilton stopt; but he offered to take it as the Duke had his Regalities.

Ane article of Duke of Queensberrie's accounts, (when High Theasurer,) of L.27,000 for incident charges and expences for intelligence, being quarrelled by Duke Hamilton, and refused to be allowed, it was found to be the money given by him and Perth, Chancellor in 1684, to Dutches of Portsmouth, to get out the Earle of Aberdeen from being Chancellor, and that he had Perth's band for the half of it, if it should not be allowed. They also refuse a part of his charge, alleadging he had no right to intromett with such a part of the King's Revenue, and so must compt for it, as if it wer still in his hands, without respect to the discharge. He makes the ground of this pique of Duke Hamilton, (amongst others,) was his taking the

Earle of Tarras's deposition against Duke Hamilton, (which made him be a friend to the Wheegs,*) in 1685, July 22d.

Sir George M'Kenzie, late Advocat, by allowance, goes to Court, being encouraged thereto by Earle of Balcaras; but returns without seeing the King.

Generall Douglas goes up, and the Archbishop of Glasgow, Campbell of Cesnock, and his son, are cited before the Councill, for intrudeing himself into Gaston, whereto he had no right, notwithstanding of all the favours bestowed on him by the King, spareing his life, and giving him back a part of his fortune, upon his declaring he had given obedience and removed. He was dismist, and shortly after dyed, 10th August, 1686.

The Lady Gutters is also pursued for vitious intromission with the rents of her son Coltnes his lands, who was forfiet.

The Chancellor and Earle of Belcarras arrive at Edinburgh from London, 31st August, 1686.

The Earles Tweddell, Balcaras, and President, are made Commissioners of the Theasurie, 31st August.

The Lord Napier, (who was also Laird of Carnock,) dying in France, his maternal estate of Napier went to his aunt Maddam Bristain; but his father's fortune,

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* *i. e.* "Represented him as a friend to the Whigs," or "made him out to be such."

which was best, fell in debate betwixt Nicolson of Tullicultry, as heir-male and of tailzie, and the three daughters of Sir Thomas Nicolson, as heirs of line, married to Shaw of Greenock, Dunbar of Mochrum, and Hamilton of Bancrieffe; and Tullicultrie having served himself heir-male in generall, there is a debate betwixt him and the other heirs for the estate of Carnock, 6th September, 1686.—See M'Kenzie's Peerage for things relating to this affair of Nicolson's, under letter N. The heirs debated who should carrie the head of the corps. The Earle of Lithgow carried the same, being his uncle. Then they strive for the right hand, which wes found due to those that were males; such dignities not transmissible to women.

Hamilton of Orbiston liberat on caution, and to discover any plotting or caballing, if any was. Melfort's patent to be Earle, entailing the dignity to the sons of his present marriage, to the prejudice of the sons of the first by the heiress of Lundie; as also Charles Murray, second son to Athole, his patent to be Earle of Dunmore, and Generall Drummond to be Viscount Strathallan; and thus he will not want to succeed his brother Lord Matherdie, (*id est*, Materdei.) All thir patents brought down by the Chancellor, 7th September, 1686.

The non-conforme ministers in Blackness, Bass, &c. as Mr George Jonston, &c. are furder enlarged, and a committee named to consider their case.

Earle of Traquair, a Papist, a litle past major, made a Counceller, without taking the Test. This is in imitation of the English Privy Councill, where the Popish Lords who were in the Tower, as Lord Powis, &c.

The Commissioners on Queensberrie's accounts required him to sign them. He said never any Theasurer did it. Replyed, the King had called for them, and to send doubles was not sufficient, and it should not preclude him from omissiones. They designed to make him lyable for annual-rent from the tyme it was in his hands. But it seemed odd in Duke Hamilton to question the King's discharge he hade for some preceeding years, since no officer of State can get more, and is not secure, if he be not secured by that.

The Lords of Councill and Session meeting 14th September, 1686, Campbell, younger of Calder, was brought out of Edinburgh Castle, and liberat after a reprimand. Lord Boyne is also reprived by the Chanceller for provoking him.

Maxwell of Kirkonell, and Drummond of Blair, admitted Cash-keepers, in place of Hugh Wallace, Alexander Mylne, Provost of Lithgow, and John Drumond, 14th September, 1686.

John Drumond, factor, made Warden of the Mint, in place of Alexander Maitland, without the Test. Earle of Dundonald took his place as Counciller, without the Test.

A letter frae the King laying aside five from being Privy Councillers, viz. Earles of Mar, Dumfries,

Lowthian, Kintyre, Lord Ross,—all following the fates of Earle of Glencairn, Sir William Bruce, Gosford, Bruce, Bishop of Dunkeld, King's Advocat, and Pittmiden.

A letter from the King in favours of the Papists, taking them under his laws and protection, and thereby gives them the private exercise of their religion, with a chappel in Halyroodhouse Abbay; commanding his Councill, and all his Judges and Magistrates, to maintain them in the rights and privilleges, and indemnified them against all the penal laws. There were two draughts of ane answer; the one drawn by Paterson, Bishop of Edinburgh, and the other by Tarbat. Against the last, Duke Hamilton excepted, that it called the King's prerogative a legal security and warrand for introducing this ease and favour to the Papists. He said, a thing might be a security, and yet not legal; and a protection against a caption secures the debitor, yet it could not be termed legall. And the Chancellor asked brisklie, Who could question his Majestie's power to relax the laws? So Duke Hamilton retireing, said he was not doubting the King's prerogative; but what needed the Privy Councill declare it to be law? Sir George Lockhart, President, sat mute; but privily whispered, he would quite his hand, or he signed it so. Thus the word legall was put out, and sufficient put in its place. Their answer ran in generall terms, acknowledgeing the King to be ane absolute Sovereign, and unaccountable to any but God, and that they acquiessed in his pleasure, which not

comeing up to the full length, did not absolutely please.* However, the Chancellor would not sign alone, as head of the Court; but got all the Councillers' hands to it, on the 16th September, 1686; and it was sent up. Thus the Councill granted what the Parliament had refused. The Bishop of Edinburgh, Paterson, in a speech he made this day, insinuated as much as the last Parliament was but a seditious meeting.

Watson, the Popish Printer, is Printer to the King's family by letter; albeit the heirs of Andrew Anderson had the gift to be King's Printer.

The King's letter to stop all elections in Royal Burrows, either of Magistrates, Deacons, or Councillors, till his Majestie's pleasure be furder known, allowing the old ones to continue till that time, 16th September, 1686. (In England, this was done by a legal process of a *quo warranto.*) It was to secure the election of Commissioners to nixt Parliament better than they were last, and conform, the Chancellor signed a letter to each Burgh, intimating the samen.

The King's indemnity to these of Argyle and Tarbat, that had joined with Argyle, is past for life only; and takes of intercommoning, and excepts heritors, officers, and ringleaders. And Lord Strathallan, Generall, is sent by the Councill as the King's Commissioner, to these places to apply the indemnitie or ex-

* This was certainly being unreasonable. "Pride goeth before Destruction."

clude whom he thought fitt; and, for his assistance, he took with him Mr James Græme, Advocat, and James Hay, Writer to the Signet. And at Innerary he held his Court, and without suspension or stop, decerned restitution of all that was robbed or stolen.

Mr William Gordon made agent to the town of Edinburgh, in place of Mr Robert Lauder, at the Scots Parliament, disolved 8th October, 1686.

Sundry of [the] non-conform Ministers were brought from Blackness and the Bass, &c. before the Councill Committee for Publick Affairs, and their liberty offered if they would engage not to preach; which they refused, protesting Christ's call; but they declared they submitted to the Government, and owned the King, and being posed anent defensive armes, they demured to declare them unlaufull.

The Town Councill of Edinburgh, by ane Act, allow their Elders to take up the house-rents, on oath, for establishing their Cess and Ministers' Annuity.

John Hamilton, his *Conge de Elire,* to be Bishop of Dunkeld, (it was first Brechen, but Drumond, Bishop of Brechin, refused to accept of Dunkeld, saying he knew no vacance there), being come doun, he resigned his Minister's place in Edinburgh, in the Town Councill's hand, who enstalls Mr Gairns therein. The Chapter of Dunkell made some demure to choose him, but one of them threatened the Dissenters with a process of Treason, for questioning the King's prerogative; and there was ane order to the Chancellor to committ any sticklers to prison. So he was elected, and on 4th November, 1686, consecrate

at St Andrews. And then were Mr Gairns, Mr Scott, Mr John Robertson, and Dean Annand, made Doctors of Divinity, 8th October, 1686.

The town of Edinburgh made choice of Mr Thomas Burnet, Regent at Aberdeen, to be Regent, in place of Mr Robert Lidderdale, being recommended by the Chancellor, for his having, last sommer, dedicat a Thesis to Duke Gordon, asserting the King's absolut power.

The Synod of Edinburgh meets October, wherein the Lady Innernytie's scandall with Doctor Eliot is mentioned by the Presbytery of Dalkeith. But Bishop Paterson waved it as not yet rype. Their letters are villanouslie gross; yet she offering to turn Popish, Blairhall, her husband, is forced to accord with her.

Mr Pat. Sheills, prisoner in Edinburgh Tolbooth, escapes in women's cloaths, 26th October, 1686. He was a phanatick, and the Keepers are deprived therefore.

Letter from the King, naming Broad George Lessly to continue Provost of Aberdeen; Kennedy for Stirling; Lord Levingston for Lithgow, in place of Alexander Miln; John Barns for Glasgow; with full power to them to nominat the Ballies and other Magistrates and Councill, and for the other Burrows they are thinking on fitt men to recommend, albeit by Parliament, 1609, Noblemen are debarred from Magistracy, within Burghs; and by their charters they had power to elect their own Magistrates. Now they pay Melfort, Secretary, 10s. Sterling for every letter. The Lord Melvil gets a pardon for life and fortune, but

pays a large sum to Melfort, Secretary. The Ministers record the proclamation, discharging them to slander the Government, though, in effect, ane interdiction not to reflect on Poperie.

At the Synod of Aberdeen, a woman gives the Bishop a letter from ane unknown hand, exorting him to be firm to the Protestant Religion, and to strengthen his Presbyters therein. And at the Synod of St Andrews, Mr Sylvester Lyon, Minister at Killimuire, having preached, the Arch Bishop Ross took exceptions that he prayed God might remove the evil that reigned in the land; and that he would give his grace much wisdom, prudence, and understanding. The first, he said, meant the King; the second, as if the Bishops wanted these virtues; but he denyed he meant either of these. 24th October, 1686.

Mr Edward Wright, Advocat, restored, on a bill; he was suspended, 20th March, 1686, for giving bad language to Lord Pitmidden, and got but a sober rebuke, because Pitmidden is now put off the Session, for being against the Court in the last Parliament. 2d November, 1686.

Sir Alexander Gibson admitts his son Alexander, conjunct Clerk of Session with him, puting him in possession, to prevent any desygn of the Register's. 2d November, 1686.

Mr John Mackenzie, Advocat, hade been admitted conjunct Clerk with Mr Rorie MacKenzie, in place of Kenneth M'Kenzie, Tarbat's son, to whom he paid 14,000 merks the last vaccance.

Duke Hamilton admitted Extraordinar Lord of Session, in Queensberrie's place, laid aside.

There is a debate betwixt Sir William Paterson and Mr Coline Mackenzie, the two Clerks of Councill. Each of them were seizing the keyes of the Chamber, with the Records and Warrands; the quarrel was, though they divided the profites, yet Sir William was puting in his man David Gourlay, conjunct with George Rae, the other servant, without Mr Coline's consent.

The soger (ane Alexander) who hade given a dangerous wound throw the body to John Hamilton, wright, liberat out of prison, at Hamilton's father his desire. In this affair, ther arose a question betwixt John Lauder and John Jousie, Chirurgeons; the first being called, prob'd and pansed the wound; the other coming after, did imperiously throw away the bandages, though he had done according to art. 4th November, 1686. Hamilton lived about thirty-nine years after this.

The 5th of November is observed by the Lords of Session not sitting, but no otherways.

The Chancellor having got a gift frae the King of 8000lb. Sterling, out of the wards and marriages, since Earl of Kincardine's gift ended, and sundry of them being in this case, that they hade resigned their ward-lands to themselves in life-rent, and to their eldest sons in fie, with a facultie whereon infeftment followed. The father dying, and the son being minor and unmarried, he claimed the casualities, seeing the negligence of the King's officers in passing that infeftment, should not prejudge him nor his donators, espe-

cially if it be taxed, which seems to be a fixed rent; yet there can be nothing due in this case, he not being apparent heir, but in the fee at the father's death, if there was no fraud used.

Madam Brisbane is served heir of line and tailzie to Lord Napeir, her sister's son, as to his estate, (not of Carnoch, which came by his father,) but of Napeir where was Fountinhall, (and who was her lawier, and was one of the Inquest, as also Lord Yester, Collington, Drummelden, Claverhouse, Justice Clerk, &c.) 8th November, 1686.

The customs were rouped 18th November, 1686. There were severalls offered, viz. Kennedy, Dick, Binnie, and Flyming, Provosts, and Sir James Rochead, on one side; James Oswald, John Hall, Captain James Crawford, &c. on ane other; but the third carried it, viz. Sir Robert Mylne of Barntown, George Hamilton, a collector to whom, Barntown had sold his lands of Binnie and Black-burne, and after, his lands of Barntown; albeit he had bein Hamilton his raiser, by first geting him into the troop of Guards, furnishing horse, armes, &c. then making him a surveyer, thence collecter at Glasgow, where he collected money wrongously, not entering the goods in the books, but putting the money in his own pocket; yet nothing would satisfy him but to have all the raiser's lands and estates, and at the last forced for sanctuary to Holyroodhouse Abbey. But at last this Hamilton, for this maltreatment of Sir Robert Mylne, before his death (which happened 26th October, 1726) was a common begger

on the streets of Edinburgh himself frae gentlemen; and after his death, his lady, who was as proud as Lucifer himself, and a great phanatick, turned Papist for bread. She was daughter of Sir James Balfour of Denmill. Sir John Young, and Wauchop of Niddery, a Papist, Miln, and Hamilton, having bidden most, viz. 30,600 lib. Sterling, *per annum*; yet the same James Oswald came within 100 lb. Sterling of them, but the Statesmen were pre-engaged: they allowed the getters to outbid all others, and promised them (under hand) abatement. 16th November, 1686.

The King's letter for making Earl of Seaforth Counciller without taking Test, procured by his father-in-law, the Marquis of Powis, 11th November, 1686. Another for making Duke Gordon Counciller; but being sent for to the Castle, (whereof he was Governor,) but demuring to accept, it was continued to nixt dyet of Councill, and admited, 18th November, 1686, without Test.

Mr John Constable his gift from the King anent Chapmen, to be director of the Company of them, and to get 20s. Sterling *per annum* of a horsman, and ten of a footman.*

His Majestie's letter continueing the Magistrates of Edinburgh, Sir Thomas Kennedy, Provost, and Magnus Prince to be Dean of Gild, allowing them

* A large income, considering how much the trade of Scotland was carried on by itinerant traders called chapmen, *i. e.* pedlars.

to choose the rest of the Magistrates and Councill, and they were to send up their names to the King to be approven by him, 11th November, 1686. On this letter the Town Councill meets, 15th November, and elected Fife, Nicolson, St Clair, and John Majoribanks, Baillies, and Edward Majoribanks, Theasurer, George Drummond, the former Theasurer, haveing been two years in, and another place provided for him, viz. Goodman of the Tolbooth. They all took the oath anent the two years duration, with this quality, that it should only continue and bind them during his Majestie's pleasure, and then sent up their names to be ratified.

There being a bonefire at Provost Lessly's, in Aberdeen, his gate, on 14th October, and Thomas Cushni being thereat, said the wine was not good, for which Mr James Lessly, the Provost's son, called him a rascall; but the nixt day, at a stage-play, Cushni batoned Mr James, for which Lessly raised a process before the Councill, which was componed. 11th November, 1686.

Sir Alexander Forbes of Tolquhon his suspension against Ogilvie of Forglen, (for alleadged stealing a silver cup,) and the Lords of Councill find the letters orderly proceeded for Forglen's part of the fyne 10,000 merks, superceeding extracting till the commission before the Lords of Session took effect, 11th November, 1686.

The King, by his letter to Archbishop of St Andrews, and Bishop of Edinburgh, (Ross and Pa-

terson,) impowered them to admitt any of the Conform Ministers (that had deserted their kirks for the Test) to any churches of their within their dioces, without the Test, as also to Glasgow; the Archbishop whereof (Cairncroce) beginning to be neglected, because brought in by Queensberry; sometime they would not have embraced it, because it was strengthening the prerogative, whereupon the toleration of Poperie, and dispenseing with our Laws were founded. Others argued, this being a consideration extrinsick to their entry, and the sinn only *per accidens*, they ought not to refuse councill or door opened to them by Providence.

Mr John Vause and Arthur Udnie put out as Keepers of Edinburgh Tolbooth, for suffereing Mr Patrick Sheills to escape out of Edinburgh Tolbooth, 22d October, 1686, albeit they gave in relevant defences; the Chancellor having stormed thereat, and the rather, because Sir John Lauder of Fountinhall had drawen them, being against the Court on the Penal Laws affair; but might weell have been answered, that his brother Melfort was not put of his post in Edinburgh Castle, albeit Argyle escaped in his time, though his efter invasion of Scotland cost the country 200,000 lb. Sterling; and the very nixt day the Town Councill of Edinburgh installed George Drummond, their late Thesaurer, in his place. 18th November, 1686.

Sir George Mackenzie, late King's Advocate, put on his gown as ane ordinary Advocat, 19th November.

There came a yacht to Lieth, with a Popish Altar, Vestments, &c. for the Popish Chappel in the Abbey. 23d November, 1686.

Mr William Eccles, Doctor of Medicine, hes a reduction and declarator against Sir James Anstruther, air, and Wedderburn of Blairhouse, about the post he had in the Bill Chamber, whereof he outed him.

There was three letters to the Councill from the King anent Elections for the Burghs, naming Sir William Paterson Clerk of Councill for Haddingtown, Hay for Perth, and Robert, brother of Halgreen, for Dundee. 25th November, 1686.

Sir William Sharp of Scotscraig comes from London, haveing gotten from his Majestie, for paying the debt of his uncle, Sir William Sharp, debursed for the late King, ane assignation on tack-duty of Orkney, whereas Duke Hamilton, who assumes almost all the management of the Exchequar, which makes some mistake betwixt the Chancellor and him, saying, non should uplift the King's rents but his Commissioners; and his pensioners and others should only have precepts on them, and not assignation on the King's property, since that made them the King's Thesaurers *pro tanto.*

The Chappell in the Abbey consecrated, (being St Andrew's day,) and there was sermon therein, 30th November, 1686.

The Lord Bamff, having turned Papist, craves his Lady's aliment may be taken from her of 1200 merks, which his estate was not able to bear; and that he

was content to entertain her in familie, and was pursueing her for adherence before the Commissars. Yet the Lords would not do it, because of his attrocious crualty to her. 1st December, 1686.

Mr Thomas Gordon (son to Boigholl) made Professor of the Orientall Tongue in Colledge of Glasgow, by moyen of Duke Gordon and Chancellor, 2d December, 1686. In 1689, he discovered King James's letters, that he brought frae him out of Ireland, to the government.

Duke Hamilton, one of the Commissioners for the Theasaurie, observing there came in many signatours from the King taxing wards, wrot up to his Majestie, and caused his son, Earle of Arran, present it, affirming it was a lesson to his Secretary. Melfort took this address ill, being without his knowledge, and would not suffer the Exchequer to pass any such, till they came first to him, that he might get his due. 7th December, 1686.

Sir Æneas Mackpherson, Advocate, comes from Court to Edinburgh with large recommendations, being turned Papist. 7th December.

There is a gift of pension past in Exchequer in favors of Græme of Deuchrew.

Mr William Wallace having ane infeftment in the Barronie of Cesnock, for 20,000 lib., confirmed long before Cesnock's forfieture, gets the gift of his nonentry. 10th December, 1686.

Mr William Thomson ordained to give back his

proces anent the Town Clerkship of Edinburgh, against the Town thereof, which he had taken up.

Mr James Dalrymple, Clerk of Session, suspends Alexander Monro, his under-clerk, because, contrary to his orders, he hade given some processes to his brother James Monro, for extracting, in place of James Hamilton. They agreed it.

John Gibson, Procurator-fiscall to Town of Edinburgh, is turned out, and William Leggit put in his place; but Gibson is reponed by Drumond of Blair's moyen, 11th December, 1686.

Two men were hanged for robbing and sore wounding Mr John Irving. He was some time minister at Cabrach, in Cromar. One of them was his servant, and hade been with him in England, where he got some money. They were execute 17th December, 1686.

The Countess of Kincardyne has a bill against David Murray, her son-in-law, wherein she reports, that, by her daughter's contract of marriage with Stenhope, she assignes him to ane infeftment of 12,000 guilders for his tocher; and was obliged to instruct, that the said sum was a part of 25,000 guilders due to Van Vothers, and to get a valide disposition from her brother Van Somersdyke Van Arsen, and to obtain a decreet of preference before my Lord Cardross, pretending some right thereto, &c. 18th Dec. 1686.

Generall Douglas is ordered by the Chancellor to pick out some Popish souldiers out of Dumbarton's

regiment, to guard the Mass Chappell on Yule-day, for fear of disturbance. 24th December, 1686.

Sir John Dalrymple (that treacherous knave) goes for London, 25th December, and returns King's Advocat, 11th February.

Some of the Ministers refused to read the Proclamation against seditious Sermons, alleadging it was not clear.

Dr Straquhane, Professor of Divinity in Edinburgh Colledge, is quarrelled by the Priests, for teaching in his dictats to the Students, reflecting on the Pope's deposing power; so his moderation Sermon in the Synod will not excuse, if he trip in the least.

Duke of Queensberry gets a letter frae the King, ordaining these Commissioners he had nominate to examine his accompts, to end them without delay. 2d January, 1687.

William Hay, Commissar Clerk of Edinburgh, being forced to abscond for debt, Patrick Aikenhead transacts and officiats for him.

The King's letter, nominating Magistrates of Culross and Kirkaldie.

Thomas Young, late Thesaurer of Edinburgh, (a great rogue,) is pursued by Francis Scott, brother to Earle of Tarras, for beating him at the Cross, because he had given him a charge of horning on his bond.

The Mountebank Mr Reid turns Papist, and is received in the Popish Church; and one of his Blackemore's is perswaded to accept baptism, and was call-

ed James, after the KING, the Chancellor, and the Apostle James, 17th January, 1687.

Adam Scott, (I judge he was the Advocates' Bar-Keeper, and concerned in Musselburgh Milns,) disponed his effects to one Janet Thomson, because his son followed him with a whinger to stob him, 18th January, 1687.

Mr Alexander Swinton of Mersington, and Mr James Does of Coldenknowes, who had laid themselves aside from being Advocates for the Test, 1681, are readmitted by the King's Letter, where he dispensed with their taking thereof by his Prerogative Royall. The Lords did not vote at neither, nor recorded the Letter. They paid each of them 7 lb. Sterling to Melfort, Secretary, for their letters. 18th January, 1687.

A Schetlander pursues maills and duties of some lands in Zetland, on a Tack sett to him by this King of Denmark's father. The Lords reduced the Tack; and ordained it, with the process, to be razed, and the persuer to be insisted against for treason. 18th January, 1687.

Commission for five Persons for visiteing Universities; whereof Sir George Lockhart, President, being one, declared, he could not act till he took the Test, which the Members also did, but this displeased the Court. 18th Januarie, 1687.

Mr Cairncross, Archbishop of Glasgow, laid aside by his Majestie's Letter, and from being Councillor

also; and Paterson, Bishop of Edinburgh, who was to succeed him, caused make ane Act of Privy Councill thereon, (though not voted,) depriving a Bishop, who is a Peer; which they could not do, whatever the King's Letter might. It bore no reasons; but it was thought it contributed what Dr Canaries, Minister of Selkirk, deponed against him, *viz.* That he encouraged him, after his offensive sermon, to go to London and print it, and lent him 20 lb. Sterling to bear his charges; as also his wavering with the King, and his recommending Queensberry. He begged a hearing, and legall tryall; but was laid aside without both. He carried faintlie in the Parliament for Protestant religion, though he inclined against the Tolleration Act. 19th January, 1687.

There are letters frae the King, nominating Magistrates for Kinghorn, Burntisland, &c. 20th January, 1687.

The West Country Heritors and Ministers get up their bands, and freed, on granting their own single bond for their personall appearance when called for; and their fines are quitt for a fourth part thereof.

Tolquhon's suspension against Forglen being discust, and the defamation clearly proven, he is ordered to pay Forglen 10,000 merks therfore.

Mr Æneas M'Leod, servant to Tarbat, Register, admitted conjunct Town-Clerk of Edinburgh with Sir James Rochead, on Sir James's demission of the half in his favours, 21st January, 1687. He gave back James Hamilton, (after Lord Pancaitland,) his former

collegue, his money, which was said to be 1000l. Sterling, and he got the like sum from M'Leod. 21st January, 1687.

Duke Hamilton haveing goten a gift of the ward and marriage of his daughter-in-law, the heiress of Dunbar of Bardon, under the King's hand, (it hes been procured by his son, Earle of Arran,) the Chancellor is angry thereat, he having gotten the gift of all wards before.

At a Conventicle in Edinburgh, several Phanaticks are taken and imprisoned by a party of Lord Drumlenrig's troop. This seemed incongruous with the design of Tolleration of Poperie, and the King passes all the Sectaries in England.

Mr John Row, Minister at Dalgety, haveing deserted his kirk, and turned Papist, gets his stipend till Whitsunday, 1687, albeit a Minister be placed there. 27th January, 1687.

The Councill ordains the Town of Edinburgh to pay Byres of Coats 400 lib. Sterline, for their encroatchments on his lands, building houses thereon, &c.; and to dispone to him the gift of his escheat fallen in their hands as superiors.

The King's letter, nominating Mr Alexander Malcolm of Lochoyr, Advocate, to be Lord of Session, in place of Seaton of Pitmidden, putt off for being against the Penall Laws.

Mr John Buchan, Regent in Aberdeen, admitted Advocate on a bill; at the Chancellor's desire, his 1000 merks for his entry is restricted to 500. It's said, he

brunt his own house designedlie, and therein the Registers of the Commission of the Kirk, which occasioned the burning of the heall Meall Mercat. He was certainly a base man.

The Lords found the Dutches of Lauderdale's oath freed her of the English debt, which was about 20,000 lb. Sterling, albeit there were prevarications therein; and there were letters under her hand to Lord Glendoeg, late Clerk Register, promiseing the payment thereof, which she got up by a trick from Hugh Ross, Glendoeg's servant; and, besides, the King himselfe, after hearing of her deposition, declared to him, that she had undertaken the payment thereof, the 12th February, 1687.

13th February, (Sunday,) at night, Edinburgh Tolbooth is broken, and sixteen thieves escape. Two of them were tane at Lithgow; one of them was hanged at Gallowlie. They digged a holl in the wall, and came down by rops. Yet George Drumond was not put out as Goodman thereof; though Mr John Vause, and Arthur Udnie, the two last Goodmans, were turned out for the escape of one man, viz. Mr Sheills.

Sir John Dalrymple, (now King's Advocate,) come from Court, albeit twyse lately in joyl for whigrie, and in very bad circumstances with the Government. His coach broke with him at Tranent. He got a precept from the King for 1200 lib. Sterling, whereof 500 lib. Sterling was his fine which Queensberrrie and Claverhouse exacted from him three years agoe; and the other 700 lb. was for his charges to, and from London this

last journey, and for loss of his employment during that tyme. He brought with him also ane ample remission for all crimes of his father's, and his mother's, his brothers, and sisters, and to his own little son, who accidentally shot his brother, 14th February, 1687. He is admitted 17th ditto; and by his Majestie excused from taking the Test.

The Ladys Greenock, Mochram, and Bancrieffe Shaw, Dunbar, and Hamilton, heirs of line to Sir Thomas Nicolson of Carnock hes a pursute with Sir Thomas Nicolson of Tullicultrie, heir of line. The Lords found that agent's deburs ments bore annual rent; and so did any advanced money, though it be not given as annual, which is only due *ex lege vel pacto*, but is only liquidate as damage, and interest *pro lucro cessante*. This was in ane action at Mathew Colvill, writer, his instance. 15th February, 1687.

The Master of Forbes gets Patrick Sheills, vintner, made lyable for his cloak brought into his house, which was stolen out therof; as was also the cloak of Sir Robert Miln of Barntown, Sir Robert Colt, and others in other Taverns. 17th February, 1687.

Sir David Dunbar of Beldoon his relict (who was first married to Suttie of Balgown) pursues for ane aliment since Sir David's death, which was in December, 1686. 18th February, 1687.

The Chapter of Glasgow, (there were eighteen Ministers of them, besides the Bishop of Glasgow's Suffragan and Conveener, Dr Faw, &c.) meets at Edinburgh, (which was not the regular place) and conform to the King's and elect Mr John Pa-

terson, Bishop of Edinburgh, to be Archbishop of Glasgow, on deprivation of Cairncross; just as Paterson entered to Edinburgh, on removall of Bishop Young, (a good man), and as Elect, he took his place and precedence in Privy Councill, in the afternoon, 23d February, 1687.

The Privy Councill's answer to the King's letter, and proclamation of indulgence is brought in and read, declaring his Majestie may employ whom he pleases in offices civil and military, (it mentions not Ecclesiastick); thanking him for his reiterat promises to secure our Religion, which the Papists, upon the Councell signing the letter mean'd of their own; Duke Hamilton craved it up till next day to see it, which was oposed; but allowed him time to peruse it presently, (for he stormed he was not called to the drawing thereof;) whereupon he, and his two sons-in-law, Dundonald and Panmuire, retired; Twedell and Yester were also absent. The Councillers behind signed it; and to make the absent as deep, they made ane act that the rest shall be required to sign it; and on the offering it, they either do it, or refuse it. Hamilton, &c., bein required, refused, whereupon they were repremanded.

There was a motion made, that Regents of Colledges, should be unmarried men, in all time coming; and that none of them should stay above eight years therein, but wer furth to be made ministers. But this was stoped by a bill from the Colledge of Edinburgh.

Mr William Houston brought by souldiers as a field preacher, with Mr Rany; it was said he delyvered up

himself to the Chancellor, to be a Benedictine Monk, and shewed his commission, and so was past over in silence. 3d March, 1687.

The King's letter to the Exchequer, for giving pensions of 50 lb. Sterline, per piece, to four Priests, who serve as Chaplains in the Abbey; and Father Dunbar is made King's Almoner, in place of Mr John Robertson, Minister.

The Lords of Session draw precept on Mr James Hunter of Murehead, Advocate, Treasurer to the Facultie of Advocates, to pay 500 merks out of their stock, to Mr James Sutherland, keeper of the Physick Garden; but it was stopt.

Sir George Lockhart, President, his additional pension of 700lb. Sterling, and Madam Broomley's 300lb. Sterling is past, 9th March, 1687.

His Majestie's letter reprimanding Duke Hamilton for refusing to signe the letter mentioned preceding page, and putting his sons-in-law, Dundonald and Penmure, frae the Council; his apologie is made, and he kept in to bear a part of the odium of all that's done. The King ordained the letter to be signed by all the absent Councillers, and explaines his former toleration to the Presbyterians, that they might come to the Privy Councill and crave it; and first take the new oath enjoined by the Proclamation, which they will not readily doe.

There's a letter making Earle of Lithgow Provost of Queensferry.

One Lyon, a Minister, being to be ordained, Hamilton, Bishop of Dunkeld, presented the new oath to

him, and he scrupling, his ordination was stoped, and Archbishop Ross, or Patersone, consulted with the Chancellor; and he advised by all means he should take it; and this minister did so, and was the first in Scotland that took it.

Mr Robert Buchanan of Arnpryer, Advocate, pursues John Buchanan of Lenny, for perjurie, in ane Exhibition of Writts, which was after discovered to have been in his custodie, 14th March, 1687. The Lords bad them agree.

Anderson, younger of Westertown is, upon Duff of Bracco's delation to the Chancellor, imprisoned in Edinburgh Tolbooth, for treasonable words in the tavern, at a glass of wine, by asserting the lawfulness of defensive weapons against tyranicall principles, and impugning the King's absolute power, assumed in the late Proclaimation of Toleration implyed; immediately a proces of Treason is raised, and his compearance to be 28th of March; he raised an exculpation on thir grounds, that any thing that's past wes but problematick only for argument; and the witnesses were, in law, inhabile, Bracco bearing him mortall hatred, and had appealed him to a duell, though they were now drinking together; and Dunbar, Session Clerk of Elgine, one of the witnesses, stands infamous in a sentence; he was willing to take the new oath, and the Cause is continued, 16th March, 1687. *Nota*, this Bracco acquired great riches; but his son being *felo de se*, all went to Duff of Diple, his nearest of kin.

Sir John Lauder of Fountinhall was married *pro*

secundo, 26th March, 1687. I believe her name wes Anderson, daughter to the persone of Dysert.

Twenty-four prisoners, for Conventicles, or being with Argyle, thieves, robbers, &c. are sent to Barbadoes, 29th March, 1687.

Ker of Morison's remission past, for converse and intercommoning with one Thomson, in Holland, being ane innkeeper, he paid therof 2000 lb. Sterling. 31st March.

His Majestie's new letter explaining and enlarging the indulgence to Presbiterians, is read in Councill, and may now preach without the new oath, required by his former letter. This was great instabilitie in the Councill; at last the full toleration comes out.

Sir Adam Blair made Provost of Dunbar.

A letter from the King, ordering the Inditment against Doctor Gilbert Burnet, (a notorious rogue, who hade been undermineing the King, as also his brother King Charles II. at severall Forreign Courts), for converse with Argyle, &c., in Holland. The witnesses used against him, Sir John Cochran, and Waterside, his son, Mr William Carstairs, and Mr Richard Baxter, ministers, West and Burn, Englishmen, are not to be here then, but he will be denounced fugitive.

Sir James Kennedy, our Holland conservator, by the means of Skeen of Halyeards, William Seaton in the King's Guard, discovers forty or fifty mean feuers in Clydsdale, and who had harboured some that hade been at Bothwell, and having the promise of their

forfaultures, he was to cause sumond them before the Councill; but Duke Hamilton opposed it.

A tayler in Canongate, going out of curiositie to the Popish Chappell of the Abbey, pished on Lady Blairhall and others, for which being imprisoned and examined, if hounded out thereto, declared it was necessary, not being able to win out for throng. 14th Aprill, 1687.

A Pasquill came out against the Indulgence and against the Chancellor, Secretary, Duke Gordon, and Lord Maitland, whom they call all Roman, but the nose; this was playing upon Lord Maitland, who had lost his nose by the clap, yet was a very bright gentleman.

At the Criminal Court, Sir John Dalrymple, his Majestie's Advocate, and Abercrombie of Feterneir, Lord Glasford, &c., his informer, pursues twenty-three fewars and wadsetters of Glasford, &c., for being at Bothwell Bridge Rebellion; but they were assoilzied.

The 29th May falling upon Sunday, yet was observed by guns, bonefires, ringing of bells, which might have been forborn till nixt day.

James Stewart, Advocate, forfiet, for accession to Argyle's rebellion, gets a remission. May, 1687.

The Lords of Session mett, and a new commission from the King is read, nominating some Lords, but with this difference, that it not only dispensed with the Test, and all oaths, except that *de fideli*, but to make their excuse in breaking the laws stronger. It expressly discharged them to take the Test, to which

commission they gave obedience, and re-entered, considering they had tane the Test already, and this could not louse them from the obligation of it, and that the King, in law, may suspend the laws during his own life time.

Mr Robert Cook and John Ingles, Advocats, formerly laid aside, now enter, without so much as either a dispensation from the King, or application by bill to the Lords, for the President said they needed not.

Doctor Burnet is of new cited on ane additionall inditment, for the letters he wrott to Earle of Midletone, Secretarie, in May last, shewing he had translated his alleadgence, and threatning if they insisted, he would publish ane apologie, which might displease his Majestie and others. This was constructed treason against his native Prince. 11th June, 1687.

The Archbishop of St Andrews, Ross, goes for London, 16th June, 1687. The King's new Commission of Councill is read; and Duke Hamilton being now President, they are all received again without the Test, only with the oath *de fideli.*

Mr Alexander Campbell, Advocate, who had joined Argyle, gets safe conduct to come home, in order for his treating for a remission, and promise made for that effect. 18th June, 1687.

In the action betwixt the heir of taylzie, Nicolson of Tullycultrie, and the heir of line, the Lord Kennuay (whose son was to marry ane of the heiresses) brought over Duke Hamilton to vote against the heir of taylzie; in lieu whereof, Kennuay promised to vote

for the Duke's son, who hade got a right to the estate of Callender. Lord Kennuay designed to sell his estate in the North, and to purchass the other two heireses of lyne of the estate of Carnock, and thereby make his son sole proprietor of Carnock, by marrying the Lady Bancreiffe, whose first husband wes Hamilton, one of the saids heireses. The affair was refered to the President, &c. to agree them. 21st June, 1687.

The town of Edinburgh produces a letter brought from Court by Sir James Rochead, for getting back their excreass of their Excyse and imposition, which Queensberry, when Theasurer, took from them to pay his son's troop. 22d June, 1687.

The Earle of Arron gets a summar bond frae the Councill to putt him in possession of the lands of North Bervick, being a part of Steuart of Coltnes his forfiet estate, whereto he is donatar, because it was a doome and decreet of Parliament. Yet there are preferable rights in it, particularly one of the Lords of Session.

Balcarras and Claverhouse goe for London on 27th June, 1687.

There is a reduction *ex capite fraudis* and circumventions at John Wardlaw of Abden his instance, against Sir Henry Wardlaw of Pitrevie, viz. that old Pitrevie being his tutor, to whom this Pitrevie is served heir and curator, he took no care of his education, but sent him to London under a very unfitt go-

vernour, where he was trepaned by Sir William Ballenden, &c. to marry a common whore, one of Lord Cranston his daughters; and then his governour, viz. one George Wardlaw, (under the pretense that it was better his cousine Pitrevie should succeed to him than his spurious issue), got from him an absolute disposition to all his estate in land and money, worth 100,000 merks, giving him only 4000 merks *per annum.* And to show it was a premeditate contryvance, the lands are bounded, and the sums and dates of the bonds are all particularlie insert in this disposition, though it was done at London. Then he sends him to Holland, when he procured a ratification of it there when past twenty-one years old, and having brought him home in 1670, when he was twenty-five years old, at Drumfermline, impetrate frae him another disposition of all, and restricted his annuity to 3000 merks *per annum;* and that haveing complained of this to the Parliament in 1681 and 1685, they remitted it to the Session. They, albeit [alleged] he was a vitious boy, and that he choosed George Wardlaw for his governour himself, though he had formerly Mr Robert Melvil, his own uncle, and a grave man, to be his tutor: That the first disposition was acknowledged to be a trust; but the second, at Dumfermline, most onerous, and adjusted by Lord Preston, and Cranston, his friends: And if he and his mother (who has a great liferent) live long, it will be a dear bargain to Pitrevie. June, 1687.

Mr Alexander Crawfurd and Mr John Richardson,

who had entered Advocats by bills, and refuseing to pay the 1000 merks per piece due therefore, the faculty ordered their gowns to be sequestrate. They apply to the Lords, who ordered their gowns to be restored, seeing that would break their imployment. But at last they were forced to pay their quotas, after they hade raised a suspension. 5th July, 1687.

In the action betwixt Nicolson's heirs of tailzie and lyne of the estate of Carnock, there came a letter frae the King sisting thereof till his Majestie considered his interest therein; for the Chancellor hade procured a gift of the estate of Carnock in favours of his brother-in-law Drummond of Machanie, as having fallen into the King's hands as *ultimus hæres*, by the conception of the minute of contract of marriage, where the last termination is the heirs male of that Sir Thomas his body, who are now all failed in the last Lord Napier. But it was thought this was no *ultimus hæres*, seeing infeftment never followed on that contract. 5th July, 1687.

The King's new and ample indulgence of tolleration and liberty of conscience comes from Court, and ordained to be published, but wants indemnity for bygones.

There is a letter from the King anent Hopton (who drowned in his service) concerning his Shirrifship of West Lothian, mentioning his father loseing his life with the King, and recomending to setle it betwixt Steuart of Ketlestown, now turned Popish, and him, but with this certification, that though the

King will not touch property or heritable Shirrifship, yet by his accumulative power and prerogative, he will name Charles Steuart of Ketlestown his depute there, not only for eccelesiasticall debts, but for all others; only the question aryses which of them would get the fines, which Ketleston exacted with great rigore.—*Nota*, He was said after to be *felo de se*. 5th July, 1687.

Straquhane of Glenkindie haveing granted bond to produce some witnesses that would have proven his having murdered his servant, under pain of 10,000 pounds Scots.

The King's Solicitor raises a sumonds of adjudication against Brody of Lethin for 60,000 merks of fine for his lady going to conventicles, 9th July, 1687. His fine was said to be gifted Lord Preston (Grame) for the use of two Popish colledges in Paris.

The King, by a letter to the Criminall Court, nominats Lord Drumcairne to supply Lord Pitmidden's place in ditto Court, laid aside fourteen months ago for being against taking of the penall laws. Tarbat was seeking it for his son-in-law, Steuart; Lord Balcaskie and Earle of Balcarras for Mr Malcolme, Lord Lochoir, which kept it so long vacant.

There was a letter frae the King, bearing that the Abey Church was the chappell belonging to his palace of Halyroodhouse, and that the Knights of the Order of the Thistle, or St Andrews, which he had now errected, could not meet in St Andrew's Church, (being demolished in the rebellion, as they called our

Reformation, which in effect was no less than a deformation, by casting down many religious places.) After a long silence and pause, the Archbishop of Glasgow (Paterson) told it was a mensall and patrimonial church of the Bishoprick of Edinburgh; and though he was now transported, and the see vaccant, yet it belonged not to the Provost of Edinburgh to delyver the keys. This was understood, that he was seeking the complement to be employed himself to keep some possession in Edinburgh, whereof he was seeking to be Commendator; however, it was adjusted that the keys should be immediately delyvered up to the Chancellor himself; and the Canongate (whose parochial church it was not of old before the Reformation, but belonged to the convent there) were ordained to go to Lady Yester Kirk; and the French minister's congregation were put out of it to the High-School, or Common Hall, and allowed to remove their desks, &c. out of the Abbey Church if they pleased. And so this church was necessar for his Majesty to have; and the Provost of Edinburgh wes ordained to sie the keyes thereof given to them. So this is the first Protestant church taken away from us, and was also the last. 12th July, 1687.

Mr James Elphiston, Writer to the Signet, sells his place as Clerk to the Commission to the Kirk, as also his post as agent to the Burrows, to Mr John Buchan, late Regent in Aberdeen, now an Advocate, come in per bill, for 4000 merks to himself, and 1000 merks to Tarbat, Register; and Elphiston agrees with

Mr John Wishart, ane of the Commissioners of Edinburgh, with the Bishop of St Andrews' consent, (Ross,) and they sate *per vices* during Wishart's life.

The Lady Cardross pursues her step-mother, Elizabeth Dickson, relict of Sir James Stuart of Kirkhill, her father, for ane aliment out of her jointer of 1200 merks. It was said she was of mean quality, and so less might serve. The Councill modified 600 merks thereof to Lady Cardross. It were fit the Parliament restrained this exorbitant power of the Councill's encroatching on relict's jouintures when they are not apearand heirs' mothers.

The Earle of Arran's rents of Northberwick being arrested, at the instance of James Inglis of Cramond, he gets frae the President a warrand to the Clerk of the Bills, for letters for loosing the arrestment; and though the President prest him to give but one of his servants cautioner, he said he would give caution to no subject; and Somervell of Drum agrees with him for his right of Coltnes' forfietur, in so far as it might extend to the lands of Gutter, for 200 lb. Sterling, though Coltnes's mother was infeft therein. Arran goes this day for London, 20th July, 1687.

Anderson's Pills.—Thomas Weir got a signator for selling thereof, and ane Thomas Steell gives in a bill against him, as having the only secret thereof; but Weir having given Melfort talents, is preferred. 21st July, 1687.

John Weir of Newtown is pursued for extortion, oppression, and falshood; being Sub-Collector of Duke

Hamilton's taxation, he took three or four dollars frae persons for takeing back charges of horning, or to connive at their suspending; and having acknowledged, that others did so as well as he; he was fined in 500 merks, and declared incapable of all publick trust.

The Lord Kenuay (Nicolsone) gives in a bill for his son, from whom the Advocats examinators hade exacted 500 merks before the first examination, and sent him away till he brought it, that the same might be restored, seeing it was time enough to pay his entry-money at his admission. The Lords, without hearing the Advocats, granted the desire of his bill. The private examinators stormed, and offer to repone him if he would restore his past bill, and *re integra* be examined. In which case they resolved to have cast him as insufficient.

Anderson of Westertown, having come in the King's mercy for treassonable words delated by Duff of Bracco, is forfieted, 26th July, 1687.

The Chancellor, Duke Gordon, and Marquis of Athole, by a letter from the King, are installed Knights of St Andrews, and the Thistle and Rue, with the Sword of State, in the Councill-chamber, and the Ribon and Badge put about them, 27th July, 1687. They gave their oath on the Popish missall, which Athole stumbled a while to doe.

Sir John Falconer of Ballmakellie, Master of the Mint, having given Dame Barbara Jaffrey, (by whose sister he had got a considerable estate,) having goten ane additional jointure of 1000 lb. *per annum*, be-

sides 1800 merks she had before; and Sir John having sold his lands to Sir Alexander Falconer of Glenfarquhar, the relict of Sir John and Glenfarquhar have a debate for preference, 27th July, 1687.

Mrs Anne, daughter of umquhile Sir Jon Gilmour, sometime President of the Session, (who wes got with child by Lord Ross; the child being a lass, and is living 1729,) she was brought to-bed in the Highlands; but she denyed the lass to be hers, (albeit most true,) raised criminal letters against Kat Lichtone, spous to Henry St Clair of Larvig, for defaming her in her chestitie. Cockburne raised a recrimination against her for reatortes, &c. The affair was agreed befoir furder hearing, 26th August, 1687.

Because the Presbyterian ministers did not attend the Chancellor, as he expected, they are dischargit to make use of any chapels or halls; on this pretence, that the trades could not sett their comon houses, and that they should only use other private houses, they being the King's, and setle their meetings-houses, and their minister presently, and give in their names as the act of toleration appoints; but the design of all this was only to cause them come to the Chancellor, and get licence for these meeting-houses, which he presently granted.

James Cameron, once Clerk to Edinburgh Tolbooth, shott himself at Inveresk, August, 1687.

The Master of Balmerino, (who had a miss called Jean Gray,) made a Counciller by procurement of his father-in-law Ross, Archbishop of St Andrews.

The King's answer to the Presbyterian address comes down, but is not printed; only their address of thanks to him for liberty and toleration is reprinted.

The Mint-house is established and opened, and James Cockburn, goldsmith, redeput therein to Sir William Sharp, master thereof.

Ane Stevenson, a soldier, is condemned for killing another souldier.

Gordon of Earlestown recommended for a remission to the King.

Wallange of Possill, who hade killed M'Farlane of Kirkton, craving the same favour, it was refused him by moyen of Hugh Wallace, brother to Craigie, and uncle to Melfort, Hugh his wife, being a Macffarlane, and his neice, Craigie's daughter, being first Melfort's whore, and thereafter his lady.

Doctor Gilbert Burnet denounced fugitive for not appearance, 29th August, 1687.

Sir John Cochran, and James Steuart, Advocat, come frae London to Edinburgh, to negotiat with the Presbyterians, anent taking away the penal laws both against themselves and Papists, which the King expected from their ingratitude. Some of them were for it, others were willing rather to lose the indulgence, than buy it at so dear a rate.

Duke Queensbery goes to Court, under pretence of clearing his accompts; but there was more in it, for Duke Hamilton followed.

The Town-Councill of Edinburgh place Popish

ministers in Heriot's Hospitall to teach the children musick, contrair to Heriot's statutes. And they gave their Clerk, Sir James Rhynd, 1000 lb. Sterling, for his pains and services done in the Town affairs at London, (besides his charges there,) which are also to be re-imbursed, on pretence he was a loser when put out of his post.

There is a letter from the King stoping all elections of Magistrates of Burghs Royall, untill he declare his further pleasure by a nomination, except in Rothsay and Perth, to which last he named Sir Patrick Threpland, 16th September, 1687.

James Ranny, field preacher, 100 lb. Sterling putt on his head; and there is a proclamation against him and other two field preachers, Sheills and Johnston, and 100 lb. Sterling put on each of their heads.

18th October, 1687, with ane act against Field conventicles, and that Presbyterian house-meetings, by the condition of the indulgence, preach nothing against Government, and give up their preachers' names, with the time and place to some Magistrats or Justice of Peace.

The Presbyterian ministers have a generall meeting or assembly at Edinburgh, where they lay down rules for provideing ministers to preach in their meeting-houses, and got in letters from sundry places craving ministers to be sent them. Mr James Kirkton,*

* Author of the *History of the Church of Scotland*, edited in 1817, by Charles Kirkpatricke Sharpe, Esq.

being designed by the meeting to be one of the ministers in Edinburgh, who finding it a great toil, to one of his age, to lecture and preach every Sunday, and once every week, and having ane invitation to Newbottle, declined it; and they resolving to use authoritie, [he] protested against their power, they not being a judicature, and that his former parochiners of Merton were not cited or acquainted. This made some animosity amongst them.

Mr John Hardie, Doctor of Medicin, and one of their preachers, in a sermon, used this expression, or the like, That they thanked his Majestie for his toleration; but if they behooved to take away the laws against Poperie, it were better to want it. And any that consented, the curse mentioned in Zecharia would enter their house, like a flying roll, and eat the stones and timbers. Lord Tarbat proposed to Councill, he [Hardie] might be censured for sedition, and raising jealousies in the people, and opposing the King's designs for Poperie.

The Provost of Edinburgh, Kennedy, causes imprison James Trail, brother-in-law to James Stuart, Advocate, for saying in a company, that the Provost had written it for news, that Melfort was accused by Earle of Arran for treason, and putt in the Tower; and being pressed to give his author, he pretended he did not remember; but after some sharp words betwixt the Provost and James Stuart, he was liberate. No doubt there hes been humor betwixt Arran and

Melfort, that has given rise to this report, Arran being the Court Hector then, 18th October, 1687.

Doctor Hardie being conveened before the Session for his sermon above mentioned, was dealt with to retract; but being obstinate, it was not judged fitt yet to makeane example of the Presbyterians, till they saw what they would do; therefore, he was continued with a repremand. But a new letter from the King orders him to be pursued criminally; whereon he is imprisoned, for he would not fly, though he had leisure and advertisement. The King's Advocat Dalrymple desired late King's Advocat Sir George M'Kenzie, to be adjoined to him; for he foresaw hazard to pannell one for owning the standing laws, and that it might be called at another time treason to impugne the authoritie of the three Estates, and the legislative power, and wist to hook in M'Kenzie with him; but Sir George Lockhart, President, oposed it, and the Lords of Justiciary took the courage to find the expressions libelled not relevent to infer sedition; and therefore assoilzied him, and liberat him from prison, though he had freedom all the day time before to go abroad. This displeased the Papists, 5th December, 1687.

There is another letter from the King, read 3d of November, 1687, declaring it was not his intention, that those Presbyterian ministers, who hade been intercommuned for treason, should preach, till relaxed from the horn, and gott remissions, which they were

ordered to do again the sett tyme. This wes calculated for Melfort Secretarie's benefite.*

5th November, the Session sits not, albeit the day before there were debates *pro* and *con*, and controversies amongst them; but the President opposed the sitting. Yet the Mayor of London, after debate, did this year observe it, though putt in by the King.

Alexander Hay, wright, gets an act of Town-Councill of Edinburgh, for all the chears and sedans to be hired therein, 5th November, 1687.

At the Popish Chappel in the Abbey, on Sunday the 6th November, 1687, there was a paper privately posted up in fyve queries, which may be seen and answered in Mr James Gordon's (the reformed Bishop) Parson of Banchore.

One Bold, who hade been precenter to Ranny, the noted field-preacher, he denyed the King's authoritie, &c. for which he was condemned to be hanged; but

* Who received fees for these relaxations. Some of the Presbyterian clergy received the toleration, as it was called, with thanks and flattery; but not so the staunch Covenanters. Some idea of the disputes betwixt the two parties may be collected from the following passage. "One of them," (viz. the indulged clergy,) "at Glasgow, in a transport of fury, rather than zeal, expressed himself to this effect: 'He would not have been so grieved at the wounds and wramps, stabs and strokes, his mother the Church of Scotland hath received, and given by him and other untender children, by accepting of this falsly so called liberty, and which hath given her Joab's salute and cruel courtesy, a stab under the fifth rib, and then left her to thrall and bondage.'"—Vide *Howie's Faithful Contendings Displayed*, p. 3, Glasgow, 1780, 8vo.

thereafter owned the same, and recalled all his former principles.

John Hay resigns his place of ane under Clerk of Session, in favours of Gavan Hamilton, who gave 4500 merks therefore; whereof 2000 to himself, and the rest to the upper Clerks of Session. Mr David Pitcairn was also seeking the post.

Mr Gilbert Elliot, who was forfiet for being with Argyle, having got his remission, applyed to be admitted Advocate, and being recommended to the private examinators, who scrupled to meet with him, till he produced the remission, 8th November, 1687.

James Grame, Advocate, made sole Solicitor, 10th November, 1687. He gave his oath only *de fideli;* and the former Solicitors, Sir Robert Colt and Mr George Bennerman, wer laid aside, being excepted against, as not attending in the vaccance; the former's pension being but L. 300 Sterline for dispatches, and all he gets is 200 lb. of addition. Mr Benerman was also threatened with the loss of his office, as the King's Chamerlain of Fyffe, he had got on deprivation of Malcolm of Balbedie, father of Lord Lochore, through his neglecting to take the Test, because he found not that office named in the act of Parliament; and Earle of Balcarras owing some of these duties, and being craved by Bannerman, and haveing a kindness to Lochore, he dealt to get in a brother of Lochore's, on this pretence, that a Chamberlanrie being but a mandate, expired by the death of the last King who gave it. See p. 239. [article, dated, 13th December, 1687.]

Sir William Binnie pursues Hope of Carse for the effects of Collonel Gordon, who dyed in Germanie, extending to 40,000 rex-dollars, who, with Lessly and Butler, murdered the great Walsteine, Duke of Freidland,* the Emperor's Generall, at the Emperor's oun desire; because he suspected his greatness, and that he keept privat correspondence with the great Gustavus, King of Sweden. Sir William [Binnie] alleadges it cost him 1000 lib. Sterling in going to Holland thereanent, 26th November, 1687.

The Dutches of Lauderdale pursues the Earle for ane *absolvitur* from the Duke's English debt. He alleadges she wrott letters to Murray of Glendoig, late Register, that she should pay the samen; which letters Hugh Ross, Glendoig's servant, took out amongst his papers, and offered them to the Earle for 1000 merks. But the Dutches hearing thereof, sent for Ross, (with whom she had formerly casten out,) and offered him more; whereupon he gave her up the letters, (which would have clearly proved her perjured,) and, in place of giving him any money, [she] burnt the letters, and caused him to be beat down stairs by her servants. I myself† borrowed the money at Sir Robert

* Wallenstein, Duke of Freidland. Butler, Gordon, and Lessly, were the most active agents in his assassination. But I do not observe Hope's name mentioned.

* Milne speaks in his own person here, and the passage confirms the opinion, that he must have been related to Sir Robert Mylne of Barnton.

Mylne's desyre, which Ross should hae gotten from Lauderdale, and brought the same to the Earle; but they hade lett Ross go away before I came with the money, albeit I stayed not three quarters of ane hour; and it was thought Sir John Dalrymple had treacherously past down to the Dutches, and caused her send for Ross; and Ross was imprisoned for trincating and falshood to both, 18th November, 1687.

There is a letter frae the King, narrating the toleration to Presbyterians, and showing it was not his purpose, that when they marry, baptize, or burry, that the emoluments used to be payed therefore, should be withdrawn from the precentors in the regular churches.

There is a letter from the Dutches of Monmouth to putt out one Anderson, who had sett up ane meeting-house at Dalkeith, which the Chancellor caused do, and terrify him with imprisonment. All this was done to cause them comply with the King's desire.

The Chancellor causes imprison James Glen, a Stationer, for writing a book called the Root of Romish Rites, being against Popery, because he had not his licence therefore. 23d November, 1687.

There is a meeting on Duke Queensberry, late Theasurer, his accounts. But the Chancellor refused to proceed, till those who acted for Hugh Wallace, late Cash-Keeper, then at London, should add ane article to his charge of ane considerable soume receaved frae ane Irishman, who had been at Bothwell Bridge, wherewith he hade not charged himself, and it was

presumed he had concealed more. They also demurred for 500 lb. Sterline, for Queensberry's charges at the Circuit Court, 1684.

In the action Doctor Eccles against Register and Clerk of the Bills, it was objected he went abroad, and studied phisick, and so did not attend his post. But being referred to the President, he orders him 2700 merks, only for 4000, that he had paid for his post, 28th November, 1687.

Sir Alexander Hope of Granton haveing given his lady, Dame Ann Bell, a disposition to his movables, it's quarrelled by his legators as being granted in prejudice of them, without ane onerous cause. But she getts a commission to London for proving Sir Alexander got 2800 lb. Sterline with her out of the Chamber of London, of tocher. November, 1687.

Sir James Stanfield being found dead, some dayes before, near his house at Newmilns, and given out that he had drowned himself; yet after, it was found his eldest son Philip had murdered him, because he had disponed his estate bye him to his second son, and failzieing of him, to Commissioner Dalrymple, for which he [Philip] was condemned to be execute 15th February, 1688. The day being come, he got a reprive for eight days longer (after he was come to the scaffold) by the Chancellor, at the prist's desire, who hade been tampering to turn Papist; but seeing that would not doe, he was therefore, on the 24th February, 1688, hanged, his tongue cutt out, and his hand cutt

off. (See his printed tryall by me.)* The priests hade prepared a speech for him; but when he saw they could do him no service, he called for Presbyterian ministers,† and to his last breath denyed any acces-

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* The trial is before me, and leaves doubts in my mind whether there was sufficient evidence of the parricide. It is mingled with other accusations of much less guilt, though capital by the law of Scotland, such as cursing his father, which was fully proved, and drinking confusion to the King, which was also completely made out.

Sir James Stanfield had been brought down from Yorkshire, of which he was a native, to set up and superintend the broad cloth manufactory. It appears that he was unfortunate in his family, and embarrassed in his circumstances; that he had been once troubled with hypochondria; and that, on the evening of the night during which the event took place, he was in very low spirits. One Bell, a clergyman, who slept that night at East Milns, heard a trampling and extraordinary noise in the house, which he imputed to evil spirits. A child of thirteen years old was the *only* direct witness, and his was hearsay evidence. The boy said his father and mother (low profligate persons, and companions of Philip) had gone out of their own house that night, and that when they returned, he (then lying awake in his bed) heard them talk over the particulars of their having strangled Sir James Stanfield, and how Philip stood centry at the door while the deed was doing. There were some appearances of strangulation about the neck. And what was much founded on at the time, but now rather excites doubt in the reader's mind, is, that the corpse bled at the touch of Philip, the supposed murtherer. In short, there is strong suspicion against Philip, yet not such as, in the mind of a modern jury, would counterbalance the possibility of a hypochondriacal man putting himself to death.

† The Cameronians, who press every event into their service, have enrolled Philip Stanfield among those persecutors and scof-

sion to his father's murder; but confest Sabbath-breaking, and other sins; and imprecate a judgement against himself, if he was in the least guilty thereof; and some thought, if not a miraculous, yet ane extraordinary return of his imprecations in that accident of the sliping of the knots of the rope wherewith he was

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fers upon whom descended a visible judgment. "Philip Stanfield, son of Sir James Stanfield of New-milns, was a mocker of God, and all things religious. While at the University of St Andrews, he came to a meeting where Mr John Welch was preaching, in Kinkell Close; in the time of the sermon, out of malice and mockery, he cast somewhat that hit the minister, who stopped and said, he knew not who it was that had put that public affront upon a servant of Christ; but, be who it would, he was persuaded there would be more present at the death of him who did it, than were hearing him that day; and the multitude was not small. This was accomplished, and Mr Stanfield acknowledged this in prison, after he was condemned; and that God was about to accomplish what he had been warned of." *Wodrow, Vol. II. p. 626.*

Philip Stanfield, however, was by no means an Episcopalian, Catholic, or royalist; for one of his father's servants swears, that "a little time before harvest last, the pannel being in the kitchin of New milns, in the deceased Sir James Stanfield's house, where the deponent was likewise present, he saw the pannel, Philip Stanfield, take a cup of ale, and heard him say, 'There is the Pope's confusion, the Antichrists, the Chancelour's, and the King's confusion;' and put the cup to his head, and drank a little, and then gave it to Samuel Spofforth, and commanded him to drink it, and made him drink it on his knees." Vide, *The Tryal of Philip Stanfield, Son to Sir James Stanfield of Newmilns, for the Murder of his Father, and other Crimes Libeled against him, p. 23. Edinburgh, 1688, fol.*

hanged, whereby his feet and knees were on the scaffold, (this I Robert Mylne, writer, saw with my own eyes,) which necessitate the hangman to strangle him, bearing therein a near resemblance with his father's death; and applicatione being made that they might be allowed to burry him, Duke Hamilton was for it, but the Chancellor was against it, because he had mocked his religion; so his body was hung up in chains at the Gallowlie; but [a few] dayes efter was taken down and found lying in a ditch among some water, as his father's corps was, and by order hung up again, and therafter, a second time, the same was taken down and no more heard thereof. Philip had for some time before been in joyle at London, the keeper wherof had sent down his affidavit (with others) that he had cursed his father for not relieving him, and boasted, that if he were out he should dispatch him; some alleaged his mother was concerned in the murder, and that he had lyen with her himselfe.*

The King's letter nominating Magnus Prince to be Provost, being the Dean of Guild, and allowing the Town Councill to elect all their other Magistrates. There was also another letter for nominating one Coutts Provost of Montross, and for sundry other

* From the trial some countenance is afforded to these horrible rumours. At least it is clear, that Philip made party with Lady Stanfield against his father Sir James, and that he expressed himself to his mother with sympathy towards her, and impious curses and threats against his father.

Burrowes. And the Chancellor gave thanks to Sir Thomas Kennedie, late Provost of Edinburgh, for his care in the town's affairs, 1st December, 1687.

The *Conge de'Lire* came down for Doctor Ross, Bishop of Murray, nephew to Archbishop Ross, to be Bishop of Edinburgh; and a Mr Hay, minister of Perth, to be Bishop of Murray; they were brought down by Blair Drummond, by procurement of Earle of Balcarras.

Mr Æneas MacBean, late minister at Inverness, haveing lost his charge there, and haveing come and joined the Presbyterian ministers at Edinburgh; the Privy Councill, on a motion of the Bishops, did interrogat him, if he thought Archbishop Sharp's death, a murder, Bothwell-Bridge a rebellion, or disowned defence-armes; but his answer being unclear, he was imprisoned, 1st December, 1687.

In the action anent Anderson's Pills, betwixt Weir and Steill, Mrs Hastie, who gave the secrets thereof, and gave it to Steill, depones, she had it from Mr Anderson; and so both were allowed to sell the same.

Archibald M'Evan, late servitor to Lord Maitland, produces a letter and gift from the King, makeing him Keeper of the Councill and Thesaurer's chambers, and furnisher of coal, candle, penn, ink, wax, and paper to the Exchequar, and appointing the perquisites, and to buy the Christmas bun, to be divided betwixt him and the usher; reserving only to the usher the two merks upon everie Æquie, especiallie since ther

wer som new rowmes erected by Thomas Robertson's new buildings. Compearance was made for Lord Bellenden, and William Cleland, his depute, alleadgeing, his predecesers were heritable ushers ostiary to the Exchequer by Queen Mary, in 1566, with 11 lib. Sterline of pension to himself, and the casualities of the office to his depute, which could not be taken from him, being a part of his property; and whatever James Somervell, the last possessor, did in assuming M'Ewin, he could not invert his author's possessions, and two could not live by it. The two massers of Privy Councill also compeared, and contended, that to them, as precones, belonged the calling of causes, &c. Refered to a Committee, 2d of December, 1687.

The Duke of Gordon has a Reduction against the Earle of Aberdeen advised, wherein the Duke quarrelled a Resignation he had given to Aberdeen, when Chancellor, of some lands he held of him; that they might be holden of the King, that so they might not be putt in Duke Gordon's new Regalitie he had gott, and that the Chancellor might consent to the passing of it. The Duke alleadged, it was not read to him, and that it was of a different tenor than what was communed on, viz. that he should acquire lands of the lyke value, and take them holden of him; and craved Provost Dunbar, Mr Thomas Gordon, and other witnesses, to be examined thereon *ex officio*. The Lords found it only probable *scripto vel juramento*, especiallie seeing the Duke had accepted a back-bond from the Earle, which he now keept up, and did not pro-

duce. This was done by influence of Lockhart, President, on account Aberdeen had married his relation.

Sir James Stampfield's servants are tortured.

There is a letter from the King, takeing away Mr George Bennermane of Dunboig, Advocate, his gift of Chamerlane of Fyfe, (this was a worthy, honest, loyal man,) worth 1200 merks *per annum*, which he gott on Malcolm of Balbedie's not taking the Test in 1682; and Malcolm, Lord Lochore, gets the same, by procurement of Earle of Balcarras. Mr Benermane offered to debate his gift, but was not heard. 13th December, 1687.

There is a letter frae the King to the Presbyterians in Edinburgh, in answer to ane Address of their's, craving, that if any of their hearers should by throng be without doors, it should not be constructed a field conventicle. The King grants this; but withall discharges them to make use of Herriot's Hospitall, the Magdalen Chapell, or of Common-hall for Meeting-houses, pretending these belonged to the King, whereas they are truelie *res universitatis*, as

This was to cause them give a sum of money to Melfort to buy the liberty of these houses, which they did; and when the King adds, he will continue his favour so long as they continue loyall, without stirring up or alienating the people from him. 13th Dec. 1687.

Sir William Sharp being pursued by Sir Alexander Gibson for a debt of his uncle, Sir William Sharp, late cash-keeper, gets the King's letter for stoping all

proceses against him for his uncle's debt, till he got in what was owing by the publick. The Lords stormed at this, and proceeded, notwithstanding the letter was surreptitious. 14th December, 1687. Sir William procured a new letter, bearing the Commissioners of Thesaury had acquainted the King, that he had dischargit the Lords of Session, to proceed against Sir William for some debts of his uncle's, wherein he was pursued by Sir Alexander Gibson, and others, which the King had taken off; therefore wills he should not be troubled, for thir were not the debts for which he gott the assignation on Orkney and Zetland. The President was very displeased with this stoping justice, but at last complyed; but would not record the letter.

Thomas Fender, servant to Sir Patrick Home, Advocate, pursues Sir William Paterson, Provost of Edinburgh, for a prisoner's escape out of their tolbooth. Not ended.

The 22d December, 1687, the Chapter of Edinburgh by the King's [letter]; and Mr Andrew Cant, Minister of the Colledge Kirk of Edinburgh, having the vote nixt to Doctor Robertson, he declared, he only elected Ross, Bishop of Murray, to be Bishop of Edinburgh, in obedience to the King's letter, and the rest followed his way of voteing; at which the Archbishop of St Andrews, (Ross,) his uncle, took exceptions, as ane reflection, and a mark of their sideing with Paterson, Archbishop of Glasgow, against him; there haveing arisen great animosities betwixt the two Archbishops, because St Andrews had so far ecclipsed

Glasgow at Court, and got his nephew to be Bishop of Edinburgh contrair to his designs, and, which was worse, contrair to the formes ever observed before, viz. that his Majestie did never recommend any by his *conge de lire* till he had ane approbation of his person by four or five Bishops at least; and here there were three Bishops in a bend received without advice, viz. Ross to Edinburgh, Hay to Murray, and Gordon to Galloway, who is Glasgow's Suffragant; and yet is born in upon him without his knowledge; and, though a Scotsman, yet he is bred in England, and knows not our Ecclesiastick laws and customs; and Edinburgh is a stranger to the clergy he is come amongst, (although afterwards he was well acquainted with them, and kept them in good order after the Revolution, 1688, till the day of his death, which happened very suddenlie, March, 1720.) And so Earle of Balcarras, or any who has acces to the King, may make a Bishop, in time coming, without examination what he is.

The Chancellor takes tryal of a report which was surmised, that James Steuart, (that treacherous villain, as his father was,) called Sir James Stuart, Provost of Edinburgh, (the time of his rebellion against King Charles First,) had used this argument with ane Mr James Hutchinson, a Presbyterian minister, viz. that he needed not fear the Prince of Orange his recalling or punishing Presbyterian Ministers for accepting the Toleration, for what if he saw the Duke

of Berwick succeed, and then he would confirm it. This discovery reflecting on the Government; and comeing abroad by Mr Hutchinson, after Minister at Edinburgh, to whom the other Mr James Hutchinson revealed it, the Chancellor sent for Mr James Hutchinson, who, through fear, first denying it, he intended to cause censure the other Mr Hutchinson, minister at Edinburgh, for spreading thereof; but, on a confrontation, Mr James, the Presbyterian Minister, was forced to confess it; and so he was instantly dismisst, and discharged ever to vent it again. December, 1687.

Att this time came also abroad Pensionary Fagell's Answer to James Stuart's Letter, writt by the King's order, to procure the Prince and Princes of Orange their approbatione of the Indulgence, and his dispenseing with the laws. Fagell replyes, that their Royal Highnesses are for Toleration to the Dissenters, and not for pressing consciences; but can never approve of taking away the Tests, or admitting Papists to be Members of Parliament, or in Judicatorys, Church, or that seclusion being the great securitie of the Protestant religion. This letter did prejudice to his Majestie's affairs with the factious in England. December, 1687.

Walter Gibson made Provost of Glasgow, on recommendation of Paterson, Archbishop of Glasgow, and the Chancellor and Blair-Drumond's moyen, though he hade never been in the Town Councill before. December, 1687.

There was a letter from the King anent Lord Boyne Ogilvie, against whom Arthur Forbes of Balvenne hade made a complaint, for laying a plea on the estate of Balvenne, since his being Lord of Session. Boyn said, it was in his person many years before. The King requires the Lords to try it. Boyne craves Forbes may sign it, that he may be punished for defamation if he seccumbed. This, with other accidents, such as his Ladies horning him with Campbell of Calder, &c. makes him uneasie. 12th January, 1688.

James Stuart, son of Provost Stuart, puts on the gown again as an Advocate, haveing been out and in, in a floating condition, ever since the Declaration in 1663. This was 17th January, 1688.

The 18th January, 1688, the Privy Councill, on the news that the Queen was with child, ordered a Thanksgiving in Scotland; but it was odd, that the Presbyterian Meeting-houses were not enjoined to keep it.

Sir James Foulis of Collington, Justice-Clerk, dyed 19th January, 1688, and was succeeded by Sir John Dalrymple.

There came from Court a new list of Pensioners in favours of Papists; only Robert Berklay (the Quacker) and James Stuart (the rogue) are two that are classed in with them; the first whereof gets 200 lb. Sterline, and the second 300 lbs. Sterline. But the last was found not to be yearly, but only for defraying his expences to London. 18th January, 1688.

There is a letter by the King dischargeing levies by

the Dutch; so it seems he has got private word of their after-invasion of England. 18th Jan. 1688.

Sir Andrew Ramsay of Abbotshall, some time Provost of Edinburgh, Lord of Session, dyed, 17th January, 1688, at Abbotshall, where he was burried. Sir John Lauder of Fountinehall married a daughter of his to his first Lady.

Hepburn of Keith having left his estate to, (I judge, his name wes Congletoun,) with this quality, that he should marry Jean Cockburn, daughter to Pilton, which he shiffting, Blair-Drummond was getting ane *ultimus hæres* of the estate from the King; but Pilton componed the matter, and got 1000 lib. to his daughter; and this Keith took to wife a daughter of James Murray of Polton, whose mother was a daughter of Baillie Johnston's in Edinburgh.

The quorum of Montross' Tutors being dead, at least the major part of them, Græme of Bracco, his nearest agnat; but being within twenty-five years, and so he cannot be his Tutor in law; and Grame of Urquhall, the next agnate, is willing to embrace, and is a Protestant, (for the Court designed he should be bred Popish,) and Lord Edmonston Wauchop and Harcus [Harcarse] Hogg voted against the Court in this cause. They are both putt off the Bench of the Session.

The Thanksgiving for the Queen's being with child keeped, 29th January, 1688, by cannons, bonefires, bells. The Archbishop of Glasgow (Paterson) preaches, and says, that she had obtained this blessing from heaven for her piety and devotion, being oftimes six

hours on her knees at prayer altogether; (a great lie, she being so much tane up with Court affairs, to have so long time for private devotion;) and the very next day, being so contryved, was a fast for King Charles the First his murder.

Mr James Ranny,* head of the field preachers, was tane in Edinburgh; 1st February, 1688. There was a proclamation offering a reward for taking him; and some Customers being seeking unentered goods, thinking they were seeking him, fired a pistol, which occasioned his being taken on the 3d ditto. At his examination before the Councill, he impudently disowned the King to be his lawful Prince. His pocket-book bore those he corresponded with, particularlie Mr David Williamson, the meeting-house preacher, who was imprisoned; but he denied any converse, and was liberate. 8th February, Ranny gott his indictment, and adhered to his disowning the King, or that he was his true Soveraigne; and called him only a King *de facto*, and not *de jure*, and to give him the absolute power he had assumed, was to put a creatur in place of the Creator; and that it was unlawfull to pay cess to his Souldiers to supress the free preaching of the Gospell, and that they might meet in armes to protect themselves. He is condemned to be hanged in the Grass Mercate, 10th February. But, to see if he would renounce his principles, and for other reasons, he was reprieved till the 17th ditto, on which day he

* Renwick.

was execute; and it was thought he would have been spared, had not the people talked broadly that he met with favour as a secret Jesuite. Yet what he owned appeared, to some people, to be no more than what Rutherford's *Lex Rex* sayes, Nephtali, *Jus populi vindicatum*, &c.; and other Presbyterians own the same, when they have power, and may do it without hazard. He seemed to dy composedly.

This day being Thursday, and a Privy Council day, yet, because Candlesmas, the Chancellor adjurned the Councill, and Fairfoul preached in the Popish Chapell, 2d February, 1688.

Captain William Seaton craving out the extract of his decreet of localitie, as ane creditor of Argyle, whereby the Lords gave him 5000 merks, owing to Argyle by Evan Cameron of Locheal, which he had discovered himself, and the heal being 10,000 merks, Locheil got the half thereof as a *præmium induciæ;* and Duke Gordon haveing also a right to this sum, the King, by his letter, required the Duke to give Locheil a discharge of it; whereupon Locheal founded a defence against Seaton.

Alexander Ogston, booksellor, threatened for selling Bishop Usher's sermon against Popery, and the Historie of the French Persecutions; all the copies of them taken from him, 8th of February.

Ross, Archbishop of St Andrews, get a letter frae the King, gifting him the half year of the house-mail that the town of Edinburgh was ordained to pay to the Bishop of Edinburgh, since Archbishop Pater-

son's going to Glasgow, which was thought mean in him to seek; and in Aprile thereafter he got another letter, giving that half of the bishoprick of Edinburgh cropt due 1687, because Paterson got it in Glasgow, and so could not gett it in two places; but his nephew, Dr Ross, successor to Paterson in Edinburgh, had better right to it than he.

1688.

There is a Commission to Sir John Dalrymple to be Justice-Clerk in place of Lord Collington, and restoring Sir George MacKenzie to be King's Advocate in Dalrymple's place; and they are both received at Councill; and the nixt day Dalrymple enters on his tryall at the Session, as a probationer in Collington's room, and was admitted, 28th February, 1688, as Lord of Session. But the Lords declared that his being Justice-Clerk, though it gave him precedence in the Circuit Court, yet it gave him none in the Session; and so he was only youngest Lord. 23d February, 1688.

The Lords Harcus [Harcarse] Hog, and Edmonston Wauchope laid aside from being Lords of Session by the King's letter, notwithstanding that Edmonston was brother to Wauchope of Nydre, a Papist, to shew that they would spare none, that would not comply with court measures. There were complaints made on Harcus for unjustice in several causes of his son-in-law, Ayton of Inchdown; and just the day before, Mr Pittolock, Advocat, calling him a bryber;

and the Lords ordered Mr Rob to be apprehended; but the true reason was suspected to be, that whereas the other Lords had given a dilatory answer to the querries put to them by the Chancellor, anent the King's taking away the laws and tests, they had peremptorily declared their opinions against it. Some said Lord Pittmidden had now got company, and others of the Lords were affraid, looking on this as a warning shot. 29th February, 1688.

Mr Robert Keith of Lentosh, a regent in Aberdeen, pursued before the Councill by Irvine of Drum, and his friends, for circumveening him, and causing him marry Marjory Forbes, Keith's wife's sister, and acting the part of a minister himself, by joining him in marriage; her friends alleadged Drum carnallie knew her, but they denyed it. 26th June, 1688.

The Chancellor sends a letter to the Magistrats of Aberdeen, to give the Papists the use of their Trinitie or Nicolas Chapell there, for their worship; the Trades to whom it belonged oppose it; but on a second letter, it was done.

By a letter frae the King, the Magdaline Chapell in Edinburgh is given back to the Presbyterians again, they having given money.

The Duke of Lauderdale having putt in [swans] in Duddingston Loch, belonging to Sir James Dick, Sir James, after his [Lauderdale's] death threw them out; but Duke Hamilton alleadging the loch bounded with the King's Park, and so belonged to him, he put them in again, and took possession in the King's

name of the loch, which will cost Dick a declarator of property, to clear his right. 6th March, 1688.

Ane Niven, a musitian in Inverness, having got himself married to ane of his schollars of twelve years old, she was the daughter of ane Cuming a minister; he [Niven] was sentenced to stand the pillary, with his log nailed to the Trone, and be banished; which was done, and the Privy Councill declared the marriage void *ab initio*, as procured by fraud, without sending them to the Commissary Court; and further declared the maid's reputation to be untainted or stained by this fact. 16th March, 1688.

The Duke of Gordon goes to London discontented, 13th March, 1688.

The Earl of Eglington pursues his son, Lord Montgumerie, for a further aliment, on this ground, that when his former lady, Earle of Dumfries' daughter lived, he had 6000 merks out of the estate himself, and his lady 4000, because they lived separately; and it not being provided to whom her part should fall on her death, he alleadged it fell in to him, and so craved 10,000 merks *per annum*.—Answered, That *usufructus revertitur ad proprietatem;* and by his contract of marriage he is proprietor, and no more is provided to his father but the 6000 merks; and the estate being under burden, it could bear no more. The lawiers upon the councill were clear that they could give Eglington no more in justice, but he giveing secret assurances (as his son said) to the Chan-

cellor, to go the Court road, his son was ordered to pay his father's new contracted debt of 9000 merks, and to get a discharge of the proces; and that the Earle should never crave more aliment; but gave the Earle, during life-time, the jurisdiction of the Bailliary of Cunningham and Kyle, with this quality, that his deput should be answerable to the Chancellor. This is to make all Judges to depend on him; and so ong as Eglinton should live in Ingland, there is 300 merks added to his life-rent yearly, to pay the exchange in remitting his money to England. 15th March, 1688.

There is a letter from the King makeing Claverhouse Provost of Dundee; so that, joined with his Constable's jurisdiction, makes him absolute there. March 13, 1688.

The Chancellor, at Privy Councill, declares he is called to Court, and the Archbishop of Glasgow proposes, that the Councill may writt a letter of recommendation with him, which was done, and he went away, 29th March, 1688.

Ther is a proclaimation (like that in England) calling home all the Scots souldiers and seamen abroad, especially in the Dutch service. Some obeyed, others stayed on their perrill; here still more fear of a Dutch invasion. 22d March, 1688.

Baillie Alexander Anderson, in Edinburgh, brok his neck, by a fall, coming down his own stair, March, 1688. William Panton, Writer to the Signet, is one of his tutors testamenters, 28th March, 1688.

Mr George Henry, Minister at Carstorphin, pursues Lord Forrester for oppression, in dischargeing his tenants to come to Kirk, but to go to the Meeting-houses, and not suffer them to bring home his coals, or labour his Glieb. Lord Forester raised a Recrimination against Henry, alleadgeing that in the year 1679, (in which year the Lord Forester's father was killed by his Lady, who was his first Lady's neice, and daughter of Hamilton of Grange, and relict of ane Nimmo, a Collector, for which she was upon 12th November, 1679, beheaded), when this King was here, being then Duke of York, Mr Henry refused to pray for him, because he was a Papist. The discord was, Henry had lent him money, whereof he was seeking payment, 29th March, 1688.

The Archbishop of St Andrews (Ross) prevails with the University there, to send up with the Chancellor, ane Address or opinion to the King, that he may, by his prerogative, take away the Penall Laws, without a Parliament; five of the Masters or Regents refused to sign it, viz. Mr James Weems of Cuddy, one of the Rectors, Mr James Martine, Mr Cuningham, Mr Seaton, Mr William Sanders, Mathematick Professor. At the same time, the Mayor of Berwick, the Alderman Hagerstoune, a Papist, the Governor and Officers of the garrison, and some of the Burgers, with the Episcopall Minister, contrair to his interest, sent ane Address to the King, that they shall choose such a member for the Parliament, as shall consent to take away the Penall Laws. 28th March, 1688.

Mr Orrock, a Presbyterian Minister, haveing called the King an Idolator, in a sermon, and that Episcopacy was not of God's planting, though it should grow up in the church, and attempting to preach in St Andrews. The Archbishop (Ross) caused take him, that he might be censured; whereupon a mob rose. The Councill ordered him to be sent to Edinburgh; and on 19th Aprile he is conveened before the Councill, and they offered to prove, by the town officers, that Hamilton of Kinkell beat some that came to apprehend him; but the Councill, against the Bishops' inclination, referred the affair to the King. 5th Aprile, 1688.

There is a letter frae the King, complaining of not ending Duke Queensberry's accounts, as late Theasurer, ordaining the Auditors immediately to end the same; and so they closed them, 19th Aprile, and sent them to the King, who perused and approved them, and gave him ane exoneration; and the King was 19000 lib. in his debt; and the Duke returned to Scotland, 5th Aprile, 1688.

There is a letter frae the King to the town of Aberdeen, commanding them to install ane David Cuming, Clerk, with Sandylands, their present Clerk, which trenched not only upon the town's power, but also upon the Clerk's property, by giving money to Blair Drummond.

Many printed copies of Pensionary Faggel's letter being dropt in the sands of Leven in Fife, there were secret orders to Balcarras' troop to get them up from

the country people, and burn them; the purport of the letter was against taking away the Penall Laws, Aprile, 1688.

One hanged for coining false dollars, 29th June, 1688.

There is a letter from the King, commanding Dunbarton's souldiers to march to York by land, where there had been a mob against the priests, to mortify that town; others thought they did not adventure to go by sea, because the Dutch fleet was then out; but as there was noe ware declared then, so they went after by sea.

Baillie Alexander Brand pursues John Calender before the Councill, to refund L.120 Sterling, he hade extorted from him on a wrongous imprisonment at London.

The Lord Duffus killed Ross of Kindeasson, [in] a sudden quarrell, there is a precognition craved, but the nearest of kin and surname of Ross combining, it wes stopt. 12th Aprile, 1688.

Muray of Abercrombie, his brother, drowned by one boat running down another, near Bruntisland. It was insinuated to Lieutenant Colonell James Murray, (who I judge hade a post in the Castle of Edinburgh), Philiphaugh's uncle, that the King was to put the Lord Frendrot, a Papist, in his post, which was done in June, and a pension given to him, fixed upon the pay; but if they had not trusted Frendrot, more than him, he might have continued, and the other got the pension.

Hamilton of Reidhouse pursued by his wife, a daughter of Sir Andrew Birnie's of Saline, Lord of Session, for ane aliment, in regard he did not cohabite with her; and she got 800 merks yearly modified; but the annual-rent of her own tocher was to be a part of it. Shortly thereafter he was killed in a duall, whereby she came to her jointure, the 12th of Aprile, 1688.

The Chancellor haveing returned from London, (he went away 29th March,) 12th May; he brought with him the following letters: 1*mo*, Ane answer to the Councill's recommendatory letter in favours of the Chancellor, whereby the King appoints them to trust him in all things, as his own mouth, and chieff Minister of State; though circumspect politicians will but sparingly use so great a power. 2*do*, Making three a quorum of the Theasurie, which was five before, and the Chancellor to be *sine quo non*, which gives him a great influence and dependence; and he immediatelie stoped all payments till he considered further, except the pensions due Papists; and there was a separate letter putting Lord Frendrot on the Exchequer. 3*tio*, A letter appointing Mudie's mortification for a Church in the Grass Mercate, in Edinburgh, to be employed for building a Church in th Cannongate, since they are deprived of the Abbey Church. This should deprive Paterson, Archbishop of Glasgow, of his house-rent, which was paid out of the annual-rent of that Mortification. 4*to*, A letter reduceing Captain Græm's Company, or Town Guard, in Edinburgh, to fifty men, being

formerly 120, the design whereof was to ease the Town of so much pay, extending to 800 lib. Sterling a-year; and that they, in compensation, should give the Earles of Erroll and Strathmore a discharge of the debt they and Argyle owed Herriot's Hospitell, and ane assignation that they may obtain a locality and relief on Argyle's estate, which is not *ad idem*, seeing they are only Administrators, and the Town should be bound to give security to make it up to the Hospitall, and the Company may be after augmented to its old number. *5to*, A letter reduceing two Companys out of Douglasses Regiment, and adding them to Collonell Wauchop's. *6to*, A letter giveing Papists, as they had formerly gotten Trinity Chapell at Aberdeen, so now the pertinents and retinue belonging thereto. *7to*, The most material letter of all was his Majestie's explication of the Indulgence and Tolleration, which seemed to imply his design of dissolving all Judicators untill they act by new Commissions renouncing the Test, which occasioned severall Sherrifs and Magistrates to forbear for a while. 15th May, 1688.

The Toun of Paislie compleans of Earle of Dundonald, for causing bury one Flyming, one of his tenants in Rosertie, (who had hanged himself,) at their gibbet-foot, within their property, without their leave; and imprisoning their Baillie for raising his corps, and removing them. The Magistrates are liberate.

The places of Lord Gairns Harcus, and Lord Ed-

monston, Lords of Session, are given to Mr Alexander Swinton of Mersington,* and Gordon of Auchintoull, divideing his Majestie's favours betwixt the Presbyterians and Papists. But Lord Balcaskie (Tarbat's son-in-law) got Harcus' place in the Justitiary; and its observable, that Mersington headit the rabble, which attacked the Abey on the unhallowed Revolution, and had a great broad belt about his midle, and a pole-ax in his hand. There was a woman also, who had born a child to him in adultry, was execute therefore. And he was in company at Leith with Mr Scott, Sherrif-Clerk of Edinburgh, who, in their upcoming, slew one Philip Alexander, in St Andrews, a purblind man, 1699, for which Scott is remitted, 1704; but he being forced to flee in the interim, Alexander Belshes, brother to the Laird of Tofts, got his place, Sherrif-Clerk of Edinburgh, for his behoof; but after trickt him out therof, and kept it to himself, which broke Scot's heart. Belshes of Tofts married one of the daughters of Mersington, who is long agoe broken; and Swinton of Lochlan another; and a third married Bruce of Kennet, who, with his drunken billies, insulted the Town-Guard of Edinburgh, and killed three of them, viz. Henry Linkletter, Alexander Simson, and Colin Campbell, for which he has a

* Lord Mersington was a younger brother of the Swinton family. Balcarras calls him the fanatic judge; and, in addition to the equipage here described, says he was "as drunk as ale and brandy could make him."

remission on 2d May, 1691. He killed them upon the 4th May, 1690. Mersington had another daughter married to Sir Alexander Cumine of Culter, also dead and broken; another to the rake and egregious cheat Charters, who has only a daughter, married to the Earle of Weyms. Lord Mersington, he had two or three sons, whereof [is] no memorie. He acquired Mersington, *vis et modis*, from the true heir therof Ker of Mersington, and its gone from him. (His lady was Alison Skeen, oldest sister of the last Halyeards, whose mother was daughter of the said Ker of Mersington.) The Lord Mersington died suddenly on 21st July, 1700, his lady having found him dead in his bed, when she awaked in the morning. 15th May, 1688.

Captain M'Cay, lately come from Holland, put in Edinburgh Castle, on suspicion of correspondence with Prince of Orange.

Doctor Bruce, late Bishop of Dunkell, his *Conge d'Lire*, come down to be Bishop of Orkney, in place of Murdo M'Kenzie, lately dead. *Quæritur*, What way his instalment shall be; for a consecreation it is not, seeing he was consecreat alreadie, and the character not taken from him; neither can it be a translation, there being no *terminus a quo*, that ceasing by his deprivation, for he was deprived in 1686; so it seems at most to be but a mere institution.

On the bill given in to the Councill by Sir John Lauder of Fountinhall, Advocate, he gott ane order commanding Mr Robert Lauder to putt and seques-

trat the patent he had gott frae Fountinhall's father, of his being a Knight-Barronet, in the Clerk of Councill's hands, in regard Fountinhall's father had declared, by a paper under his hand, he was dissatisfied with its being conceived to fall to his son George Lauder after his death; whereas he intended it should only descend to young Fountinhall, his eldest son and heir, as God and nature appoints. May, 1688.

June 1st, some thought the Lords would have scrupled to sitt, because of the Proclaimation dissolving of the Judicators of the Sessione, &c. but they thought not fitt to draw their own right in question.

There is a letter in favours of Sir Evan Cameron of Locheil, procured by Robert Barkley, his good brother, and Pen, the Quakers, against Mr William Seaton, dischargeing Locheill of that debt which annulled Seaton's decreet, and was said by the King's Advocat (Mackenzie) himself to be against property; but others alleadged the Lords, in this Commission dividing Argyle's forfieture, were but the King's factors and trustees, and so he might ratify or recall what they did at his pleasure. 2d June, 1688.

The 13th June, the news came that a Prince of Wales was born upon the 10th, and the Chancellor being in Perthshire, any solemnity was delayed till his arival, which was the next day; and on the 15th, a thanksgiving was ordered, 21st on this side Forth, and 28th, for remoter places. The Earle of Balcarras was sent to congratulate his birth, and Duke Hamilton went the same day for London. So the 21st of

June was kept at Edinburgh, whereon the Session satt not. There were thanksgivings, sermons, and cannons and fire-works on North Loch.

In the action betwixt Earle of Dundonald and Magistrats of Paislie, before the Councill, about the burrying a hanged man, Dundonald, by influence of his brother-in-law Claverhouse, gets the Magistrates imprisoned, and ordained to crave him pardon.

In the precognition, Lord Duffus, (who he had killed Ross of Kindace,) it was proven it was not precogitate malice, but ane accidentall rencounter, and that Kindace gave great provocation to Duffus before he beat him, by giving him the ly, and then offering his pistoll.

A party of dragowns bringing ane Houstoun, a field preacher, were fallen upon in Galloway by Raynnie's disciples, and five or six of them killed, whereupon the three Western Shires are ordained to search for them, and to take advice of the indulged ministers having most power with the people.*

* The preacher was relieved, but in a state of incapacity to follow his vocation with effect; for having his legs tied under a horse, which was startled by the skirmish and firing, he lost his seat, and turned round with his head under the horse's belly, by which fall, or by the feet of the horse, his fore teeth were knocked out. After this accident, he seems to have lost consideration amongst those who had fetched him from Ireland, at considerable trouble and expence, besides the pains they took to rescue him. So being discouraged by these circumstances, he returned to Ireland, and died there.

Mr Mathew M'Kell desires to be admitted Advocat on a bill. The Lords make an act of sederunt, that they will examine such themselves on their sufficiency and knowledge of the Scots law; and after a few slight queries by the President to him, he was admitted; but suffered none other of the Lords to ask him questions, 23d June, 1688.

Mr Charles Littlejohn, minister at Largs, pursueing Montgumerie of Skelmurlie for his stipend, the Chancellor had this expression, that the ministers were the persons in the kingdoms that deserved worst at his Majestie's hands.

Irvine of Drum his friends pursue before the Councill Forbes of Auchredie, and Marjorie, his daughter, to get them punished for making up a mock marriage betwixt Drum and Marjorie, either when he was drunk or furious, where through he could not give a valide consent; and Mr Robert Keith, Regent in Aberdeen, the Councell thought they could not dissolve the marriage; but they ordained Drum to be sequestrate with Lessly of Balwhinie, his brother-in-law, with 3000 merks *per annum* out of his estate. 26th June, 1688.

The Duke of Queensberry, has a letter from the King, recommending him to his Judicatories, as one whom he hade taken under his speciall protection; the style seemed new.

Mr Robert Lauder, and some other gentlemen at Dunbar, by commission from the Councill, upon some presumptions, condemned ane old woman for a witch. She was brought before the Councill, and they en-

clined to assolzie her, and sent her back to prison; for the main thing proven, was her threatening such as refused to give her money, and some evil accidents befalling them shortlie thereafter. But, on 12th July, 1688, being brought again before the Councill, she was remitted back to Dunbar, to be brunt there, if her Judges pleased, because she had confessed once, though she retracted.

Archibald Primrose of Dalmany, cited for leasing-makeing upon the Chancellor, and sowing discord among the Officers of State. He, by friendship of Father Peters and Duke of Berwick, got a stop [put] to the process before the Councill, and to secure himself, turnes Popish. If the proces had gone on, James Steuart, that treacherous traytor, was conjoined to concurr with the King's Advocate, Mackenzie, which Mackenzie took ill, 26th July, 1688.

Mr John Bayne of Dalney is pursued before the Criminall Court, for his accession to the slaughter of Kindess, by Lord Duffus, as being a Justice of Peace, and present when the deed was done; who alleadged, that Justices of Peace cannot attack Noblemen or Councillers as Duffus was; and besides, he had not ability to do it, being single, and Duffus attended by many persons; and that he was not obliged to venture his own life, being aged: he was assolzied.

Thereafter Baine pursues Ross of Balnagowen before the Councill for defamation of him anent the said slaughter, who alleadging Kindess being his near kinsman, he could do no less than inquire after his slaugh-

ter; he is assoilzied, but ordered to go home and live in amity together. 2d July, 1688.

The King's Indemnity is red in Privy Councill; but being clogged with such unusuall clauses, it allarmed them, such as all behooved to take a testificat of it from that egregious villain James Stuart, and pay him money, which would bring in great sums to him and Melfort, whereupon it was sent back to the King to be helped. And there was a proclaimation about the annuity of Teinds and their price, which was also reported to come to James Stuart and his brother Coltnes, (though not named,) to pay his fine and compensation for reducing of his forfiet lands from the Earle of Arran as Donator. 3d July, 1688.

The Burrows mett at Edinburgh, and some of them proposed the taking of the Test, and protested it might not be imputed to them, since they were willing; and they commissioned Magnus Prince, Provost of Edinburgh, to congratulate the birth of the Prince, (though a letter from them would have done as well;) and its said he was allowed to gift him a jewel worth 1000 lib. Sterling, and to give 200 lib. Sterling to Lady Powis the governess, or to the nurse. 3d July, 1688.

The Chancellor getts down a signatur of all his lands, erecting them in a Regality, and enlargeing the bounds of his Stuartrie, taking in sundry lands belonging to the Marquis of Athole therein, which creats further animosity betwixt the families. 12th July, 1688.

A montebank having got licence from the Privy

Councill, and of Mr Fountin, Master of the Revells, and of the Magistrats of Edinburgh, to erect a stage, he built it in Blackfryer-wind. The Custome-Office being there, compleaned of it to the Magistrates, whereupon the Magistrates took it down; whereupon he cited them to the Councill, who alleadge he should have first been examined by the Colledge of Physitianes; yet they offered him the Grass-mercate, from preventing servants and prentices withdrawing from their service; but he being Popish, the Chancellor caused the Magistrates to put his stage in the Land-mercate. He craved also damages. 14th July 1688.*

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* In the printed Decisions of Lord Fountainhall, occurs the following sly entry concerning this fellow:

"Reid, the mountebank, pursues Scott of Harden and his Lady, for stealing away from him a little girl, called the Tumbling-lassie, that danced upon his stage; and he claimed damages, and produced a contract, whereby he bought her from her mother for L. 30 Scots. But we have no slaves in Scotland, and mothers cannot sell their bairns; and physicians attested the employment of tumbling would kill her; and her joints were now grown stiff, and she declined to return, though she was at least a prentice, and so could not run away from her master. Yet some cited Moses's law, that if a servant shelter himself with thee against his master's cruelty, thou shalt not deliver him up. The Lords *renitente Cancellario* assoilzied Harden." FOUNTAINHALL'S *Decisions, vol. I. p.* 439.

And the following account is given of his conversion, and of the importance attached to it by the silly bigotry of Perth, and the other courtiers and statesmen of James II.:—

"January 17. 1687. Reid, the mountebank, is received into the Popish Church, and one of his blackamores was persuaded

Doctor Blaccater, new come from Holland, (who had been twice pardoned before, first for Bothwell-bridge, and then for Argyle's invasion,) was taken by the Chancellor's orders when he was visiting Captain M'Cay in Edinburgh Castle, and putt in closs prison, and at first in the irons, for keeping correspondence with rebells in England; *Mene Tekell*, being verses reflecting on the birth of the Prince of Wales, and Partridge's* disloyall Almanack found wes upon him.

Wedderburn of Gifford being drowned at Calice, it was doubted where his Testament ought to be confirmed, whither at Edinburgh or Dunkell, since at the last Divies his lands and the heall paroch of Aberladie lyes. 21st July, 1688. Its probable, this has been but some small time after he was lost.

The Lord Lochore, (Malcolm,) made Privy Counciller on a letter procured by Earle of Balcarras; and the Chancellor told him, it was the King's will that there should no oaths be putt to him or any other; and, on this occasion, he called for the Advocate Mackenzie, and ordained him to raise a Lybell against the Masters of the King's Colledge of Aberdeen, for presuming to take ane oath of the Students, when

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to accept of baptism from the Popish priests, and to turn Christian Papist, which was a great trophy. He was called James, after the King, and Chancellor, and the Apostle James." *Ibid. p.* 4.

* Partridge, the celebrated astrologer.

graduat, to profess the Protestant religion, since the King had discharged the exacting of any oaths.

There being a report from the Western Shires, that severalls would not appear nor disown their principles, conform to the Declaration, there is a Commission of Justiciary ordered frae the Privy Councill to sundry noble and Gentlemen, wherein many of the strictest Presbyterians are named, (which may straiten and inforce them in their deportment) to conveen and execute capitall punishment on them. 24th July, 1688.

Harvest vaccance, 1688, and there was a surceass of justice till November, 1689; for, albeit the Session sat during November, 1688, yet, by the unnaturall usurpation of the Prince of Orange,* no business was done, save Delyverances on a few bills.

The King was forced to abdicat his kingdomes by the foresaid usurpation. The King of France before fully informed him thereof, and offered to send forces to his assistance, which he refused, (the greater fool he!) not believing his subjects would have joined the Usurper. See Fergusson's History of the Revolution, in Laigh press, p. 18.

The following lynes are in a manuscript of Lord Fountainhall's:

> " Recte faciendo neminem timeas.
> Fiat Justitia, aut pereat Mundus.

* This is an interjection of Mr Milne's, for Lord Fountainhall was a good and sound revolutionist.

Omnium mores, tuos sed imprimis observato.
Optimum est aliena insania frui.
Audi semper alternam partem.
Pacem cum hominibus, sed cum vitiis bellum.
Fælix insolens est infælix; fortuna namque
Cito reposit quæ dedit.
Fide et diffide, licet magnum sit in innocentia
Præsidium: neminem metuit innocens, ne vel casum;
Cum nocens etiam se judice non absolvatur.
Voluptates specta abeuntes, non venientes.
Id tantum scis quantum in virtutis praxi semita
Operaris et non amplius.
Nulla dies sine linea.
Malum mori, quam fædari.

" Nihil est quod magis proficit ad vitam honestam, quam ut credamus eum judicem futurum quem occulta non fallunt, sed indecora offendunt, et honesta delectant."

AMBROSIUS, *Libro de Officijs*, 1° cap. 26°.

In another manuscript of Fountainhall's, there are some Notes and Observes of several of the Lords' decisions, both from the time he was admitted Advocat, and since he was a Judge; the last of which manuscripts brings these remarks to the last of February, 1695, and is marked, P. P. And the Parliament having adjurned the Summer Session, 1695, wee are now arrived at November that year; and being resolved, by God's assistance, to continue these observations, but with the same brevity with the former, to be extended when God shall think fitt to give me leasure, I have taken this manuscript for that end.

" Honores nihil præter onera; splendidamque servitutem.
Fælicitas magna, nil intus strepere.

Qui emit, vendat oportet.
Fumo pereat fumi venditor.
Bonis nocet qui malis parcet.
Persona publica privata deponat."

WINTER SESSION, 1695.

LAUDERDALE resumed his place in the Session.

Primo Novembris, 1695. Fryday, the Session satt down, three of their number being absent; President Stair and Pressmennan through indisposition; and Halton being at London, and assuming the title of Earle of Lauderdale, it was thought he would demitt. The first thing moved to the Lords, was the executing that part of their new regulations anent the Clerks,* and if they were recorded in the Sederunt-books, according to the order given at the last meeting in summer; and, finding that the quorum hade

* These regulations ordered, that each of the Principal Clerks, and their Deputies, should receive a proportion of the fees hitherto exacted by them, but not beyond a certain sum fixed as a maximum; the Court assuming the power of disposing of the surplus. This innovation the Clerks successfully resisted.

dissolved then before the warrand was got signed; the Lords received the order, and appointed them to be recorded in their books. Then Mr James Dalrymple, as the eldest Clerk, and in name of the rest, presented a petition, desireing they may be heard why they could not comply with these articles of regulation which concerned them, in respect they encroatched on their rights and properties established by former laws. The Lords rejected this bill as generall, and not condescending on the particular rights wherein they conceived themselves prejudged. Then they produced a bill containing a more speciall representation of their grievances, by these regulations, bearing that, by a table of prices made in 1606, and ratified in the Parliament 1621, and the regulation established in 1670, and confirmed in the Parliament 1672, and by the 38th act in 1685, their dues were settled in such manner that they were neither capable of alteration nor diminution, and that the act Parliament 1693, impowering the Commission to regulate Judicatories, and particularly the Session, spoke of abuses, exorbitancies, and corruptions. Now their fies, being legall settlements, could come under none of the denominations, being established by Law; and, consequently, the Commission had not power to retrensh these; and so had exceeded their mandate, and acted *ultra vires*. This paper gave offence to the Lords Regulators as reflecting on them; and, after some argueing, the Lords found themselves not competent judges to cognoce upon the actings of the Commission, which had not the force of

an act of Parliament. Though it was urged, that the Lords were judges of all cases of property, as this was; but it was answered, that though their office might be called, in some respects, their properties, if any were putting them out, yet every perquisite and alleadged dues therof was not such; so the Lords waved it. Then the Lords were desired to recommend them to the members of the Commission for redress or rectification of such articles as they thought heavy. The Lords shuned to direct in writt, but recommended their case *viva voce* to such of their number as was upon that Court. This took up the first two Session days, viz. 1st and 2d of November.

4th November, 1695, Monday, King William's birth day observed with solemnity; and, 5th November, the Gunpowder Plott likewise.

6th November, Wednesday, Arbruchell elected Vice-President for the week. The Clerks give in a new bill, craving to be exeemed from the oath imposed by the regulations, seeing, by these made in 1672, it was found ane effectual method to secure them, and, therefore, by an Act of Parliament, in 1681, the statute, in so far as it imposed ane oath upon the Advocats and Clerks, for observance, was rescinded, (for casuists think the oath itself cannot be relaxed; yet if it be only accessory to a law, the abrogating of the law makes the oath fall of consequence. (See this largely debated *alibi.*) And that, by the claim of right, in 1689, oaths seemed to be pointed at as a greivance and snare, and they by their words of honour would engage themselves to keep with

the sallary prescribed. Some Lords urged to forbearing the exacting of their oaths, till the Clerks might procure a meeting of the Lords Regulators to hear them; but the plurality carried, that they behooved either to give obedience, or the Lords would debar them from acting; which would cast the Session house. Then the Clerks pled that Clerks only at their admission were appointed to swear; which did not concern them who were admitted already. But it was thought that, the regulations ariseing from complaints against the Clerks presently in office, it was strange if they were free, and only intrants, to swear, so whatever ambiguity and unclearness was in the cause, the Regulators having declared its meaning, they behooved, before officiating, to give their oaths. Their next refuge was, that they craved it to be marked, that their complyance with these regulations, on takeing the oath, should not ty them up from craving redress and rectification of what they thought heavy upon them, according to Law, and that the words of the oath, anent their holding themselves content with their sallaries, should import no more than their submission and acquiescence, and should bind them no longer than the Law imposing them stood. This was yeilded to by the Lords, and recorded, in that manner, in the Books; whereupon they were all six sworn. Then their servants, the under-clerks, being called for, they presented ane Address, shewing how mean their allowance of L. 1000 [Scots] by year was; and that there was place for the Lords to augment them, or some omitted

articles. The Lords were sensible of the hardship, but found they could do no more but recommend them to the Commission to consider their case with all the favour they could.

The next thing was to settle a Collection; for, till that was done, there still lay ane umbrage on all affairs; and the competition between Thomas Pringle, Stitchel's brother, and James Hamilton, brother to the Laird of Orbiston; the last carried it, and the Clerks were allowed to read all bills which were in their hands the last Session, and then paid for, without being marged by the Collector, seeing the Lieges ought not to pay for them again; and the Lords all signed Mr Hamilton's Commission, and he gave in a bond, with cautioners, for the faithful compting, and gave his oath that he should exact no more but the dues allowed by the act; and, in regard it would be too burdensom for him to discharge it all in his own person, they permitted him to make use of servants under him, they being such as for whom he should be answerable.

The Countess of Argyle, Talmush, gets ane aliment off the Earle; albeit he offered to cohabit with her, and required her, under forme of instrument for that effect; but the sham offer did not bear he would stay with her. 6th November 1695.

At choosing Marquis of Montross's curators, his mother, and some other ladys came in with her at the time, because the Lords said non had the privilege of coming within the inner barr, but Dukes and Dutcheses; and she being in the nomination by her

Lord yet they rejected her, as being cloathed with a husband; but admitted Hay of Drummelzer, Sir William Bruce, Græme of Urchill, &c. 8th November, 1695.

Robert Hamilton of Presmanan, Lord of Session, dyed 10th November, 1695, aged seventy-three and more, and is the first breach in the Bench since the Revolution, which is rare in six [seven] years time.

Sir James Dalrymple, President of the Session, dyed at Edinburgh, 25th November, 1695, Munday, aged seventy-six; a man of great abilities, and the oldest Judge in Britain; it being near forty years since he was made Lord of Session, twenty-four whereof he was President.

Mr Adam Duncan, a young boy, son to the Laird of Lundy, imprisoned for forgeing the Signet. 18th January, 1696.

28th January, 1696, Sir John Maitland, (now Earle of Lauderdale) being returned from London, takes his place of Lord of Session, albeit he was become a nobleman. It will be necessary to have ane Act of Parliament, that noblemen be not ordinary Lords of Session.

Robert Lauder, son to Lord Fountinhall, dyed, 17th December, 1695.

The town of Edinburgh pursues Æneas MacLeod, their Clerk, for malversations, which he advocats. 1st February, 1696.

David French, Agent, is complained upon by Mr

David Dewar, Advocate, for unbecomeing expressions against the Lords; he is imprisoned and fined in 1000 merks; yet therafter restricted to 500. 22d February, 1696.

The Lord Polworth, new made Chancellor, produced a letter in favours of Mr James Scowgall, ane of the Commissars of Edinburgh, to be Lord of Session throw Lord Pressmenen's death. 2d June, 1696.

Captain Callender depones, that he paid for Mr Alexander Haygons of Craigforth, Advocate, to him and his creditors, for the lands of Craigforth, 110,000 merks, for which he got a Disposition frae Heygins, although Heygins said the Disposition was in trust; but Callender, being on oath, denyed the same; in which case, to find otherwise, were to leave the tash of perjurie on Callender. Therefore the Lords thought Heygins' interest sufficiently salved, if Callender should yet instruct that he has paid the price contained in the Disposition, and that the lands sold at the time were no more worth betwixt man and man. 19th June, 1696.

John Hog, messenger, being deprived by the Lord Lyon, and decerned to pay 1000lb. to Jeils Douglas, relict of James Hamilton, Under Clerk of Session, for suffering Mr George Campbell to escape, after he had undertaken to take him, he raises suspension of the Lyons decreet. 20th June, 1696.

James Duke of Queensberry admitted Ordinary Lord of Session, in place of Chancellor Polworth. 27th June, 1696.

The Lords haveing advised the roup of the Lordship

of Renwick, and the Lady craving she might have liberty to [the] cutt of the wood for reparation of her own house and the tenants, it was denyed. 3d July, 1696.

Mr William Kerr, writer, pursued by Isobell Hislop, daughter to Hislop, Stationer, for getting her with child, under promise of marriage. 15th July, 1696.

Lord Fountainhall, his son William dyed, 21st July, 1696.

In a Competition among the creditors of Mr George Campbell, son-in-law to Alexander Mylne of Carridin, 25th November 1696; his debts are said to be 20,000 lib. more than his effects.

Mr Alexander Johnston, writer in Edinburgh, pursues Anna Murray, (who was said to be Miss to Murray, Lord Drumcairne,) his wife's mother, and one Robert Cuthbert, (who was married to his said wife's mother, and was after cast away at sea,) for his tocher; and she having deponed negative, and he having thereupon given her some bad words, and taking hold of her by the shoulder, she lifted up her hand in a passion, beat his hand from her shoulder, for which he pursues her for beating him during the dependence. But the Lords absolved her, and fined him in ten dollars for defamatory expressions in his Information. December, 1696,

There being a scurrulous reflection against the late Viscount Stairs, in a Bill drawen by Mr Robert Forbes, advocate, for Fraser of Tyrie, who being sent for, denyed it; and it landed on John Ritchie, his servant,*

* Here, the word servant means clerk.

for which he was warded, he haveing freed his master thereof. 6th December, 1696.

George Robertson, Keeper of the Register of Hornnings, dyed 11th December, 1696.

Mr Andrew Massie, one of the Regents of the Colledge of Edinburgh, deprived by the Town, as patrons, reponed, 29th January, 1697. There is a persute against him by the executors of Elizabeth Dike, his late spouse, about her paraphernalia, in the same month.

William Nisbet of Dirleton, heir to Sir John Nisbet of Dirleton, having granted Bond to Jean Morison, relict of Sir John, for 40,000 merks, after her death the debt fell to William Morison, of Prestongrange, her brother, who, purseuing therefore, it was arrested by Dame Jean Nisbet, only child of Sir John, and Sir William Scott of Harden, her husband, for his interest. It was alleadged the foresaid Band was granted by William Nisbet to the said Dame Jean, for influenceing her husband, Sir John, to put his estate by his nearest heir, Nisbet of Dean, in favours of the said William Nisbet. The Lords fand the Band to belong to Sir John, his only child. But Prestongrange appealed to the Parliament, 25th February, 1697.

James Hamilton, son of Lord Presmennen, admitted Clerk to that new office of keeping the Register for all interuptions of Prescriptions, conform to 19 act of Parliament, 1696, by vertue of a Commission from Clerk [Earl] of Selkirk, Register. 27th February, 1697.

George Dallas of St Martines, presented his folio Book of Stiles,* which is no contemptible. 27th February, 1697.

Mr James Alexander, of Knockhill, late Sherriff-depute of Dunfreis, (having no relations, as he thought, deserving,) did mortify 40,000 merks to the Trinity Hospitall at the foot of Lieth Wind, for mantainance of twelve more poor decayed Burgeses; and having asked Lord Fountinhall's advice thereanent, he thought it reasonable the Town of Edinburgh should have the patronage, presentation, and administration thereof, but to be accountable to the Lords of Session, as overseers to their management; and it was presented to the Lords, and recorded in their Books in latter end of February, 1697.

James Hamilton, of Easter Pancaitland, son of umquhile Lord Presmenon, haveing produced the Earle of Selkirk, Lord Register, his gift to be one of the Principal Clerks of Session, vaccant by the death of George Gibson, he is ordained to be tryed by a committee of the Lords, who are to make ane Act of Sederunt anent the tryall of all clerks in time comeing, and wherein he was obliged to give his oath that he had given no more to the Register than 4000 merks for the said post, directly or indirectly. June 1st, 1697.

The Duke of Gordon sues his Dutches for adherance, 8th June, 1697. See Crawfurd's Peerage, p. 178, in the margine therof, in writt.

* *i. e.* Forms. Until the more modern book of Stiles, published by the Juridical Society, Dallas of Saint Martins' was the great authority for Scottish conveyancing.

Robert Hepburn, of Barefoord, being pursued for a Mortification to Herriot's Hospital, the Bishop, who was Mortifier, haveing no valide right in his person, is prefered to the Hospitall. The Mortification is claimed out of Barefoord's lands, above Peebles' Wind. 17th December, 1697. See *etiam*, 10th June, 1697, in Fountinhall's (not in my) Custodie, page 150.

Mr John Elphinston, having acquired a right to a Wadset on Craighouse, he gives in a Bill to the Lords, that some of their number, and tradesmen, would visite the house, and see what reparation were requisite anent the same. The creditors of Sir William and Sir Andrew compear, and craved, since the reparations were to be a burden and eike to the Reversion, they might not be voluptuous for pleasure or conveniency, but only whats absolutely necessary. 11th June, 1697.

Hepburn of Barefoord, foresaid, is assolzied from paying 48 merks, payable out of his tenement called the Black Turnpick,* to Herriot's Hospitall, of ground-annual, 18th June, 1697.

Mrs Clara Temple, as relict of Edward Ruthven, is presumed by Mrs Clara and Patricia Ruthvens, and Murray of Spott, husband to Clara, and sisters to the said Edward, for Repetition of L.1000 Sterling she got frae Lord David Hay, son [to the Earl] of Twe-

* A large and ancient building in the High-street of Edinburgh, situated to the west of the Tron Church, and demolished when the street was opened to Hunter's Square.

dell, for demitting his place as cornet of the King's Guards, in 1683. 30th June, 1697.

Montcrieff of Murnipea being dead, (he was Clerk to the admission of Notars) the Earle of Selkirk, Clerk Register, craves the Registers may be sequestrate. 9th November, 1696.

Major M'Kenzie, son to the Laird of Pluscardie, having dyed in the Lord Duffus' house, in the North, he gives a Disposition, *omnium bonorum*, to John Sutherland, my Lord Duffus' fourth son, which right carried away 10,000 merks Duffus was owing the Major by Bond; wherupon Coline Mackenzie, goldsmith in Edinburgh, the Major's brother, raises a Reduction of the Disposition; and, amongst other reasons, says it was not probable the Major would make any such Disposition, considering his father, mother, and brethren, their circumstances were low. The Lords reduced the Disposition, 29th December, 1697.

The Lady Clackmanan (she was daughter to Earle of Cromarty) having devorsed her husband, Bruce of Clackmanan, and gotten 30 chalders of victual out of Clackmanan's lands of Sawchie, of Aliment, she pursues that the said house of Sawchie may be repaired to her, and desires 5 or 600 merks for the effect; but the Lords would not allow reparation, having such ane opulent Aliment. 4th January, 1698.

Hopekirk, merchant, pursues Mary Daes, and Alexander Wedderburn, her husband, for his interest, and Mr James Deas of Coldingknows, her fa-

ther, for 241 lib. of cloaths, a watch, &c., bought to her, per subsequent account. 4th January, 1698.

Mr Johnston, late Secretary, having gotten a gift of £4000 Sterling out of the late Bishop's rents, he and his factor, Henry Douglas, has ane Action against the Bishop's vassalls therefore. 19th January, 1698.

Sir John Cochran pursues the Earle of Buchan for a 1000 lib. Sterling, *per* his Bond, granted for getting him a great English marriage, with 10,000 lib. Sterling. The Earle alleadges he got the match without Sir John's procurement, and that the Action was depending before the Chancellor of England. The Lords hade not regard to its being tabled there. 27th January, 1698.*

The late Earle of Dalhousie being murdered in Flanders, by Hamilton of Grange, or a brother of his, in *anno* 1696, his brother chooses Brigadeer Ramsay his Curator. 26th February, 1698.

The Lady Cochran and Kilmaronach, as represent-

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* After much procedure in this singular case, in which Sir John Cochrane seems to have acted the respectable part of *black-foot*, which lawyers term *proxenata*, and the vulgar call match-maker, the English Chancellor adjudged the bond to be null, as being granted without legal consideration, or *contra bonos mores*. The Lords of Session took their own view of the case, and found Cochrane entitled to so much of the bond as he could show was actually expended by him in the furtherance of Lord Buchan's matrimonial speculations. Sir John was appointed to lodge a condescendence of his actual outlay. I have seen no farther account of the case, but probably it was taken out of Court by an extra-judicial settlement.

ing Lady Mary Kenedy, her sister, (both daughters of Earle Cassils,) pursues the Dutches of Hamilton, for Exhibition of a Band for 50,000 merks, due by the family of Hamilton to Lady Margaret Kennedie, alleadged, 1*mo*, *Instrumentum apud debitorem presumitur solutum.* 2*do*, She had ane Assignation thereto frae Lady Margaret, with the burden of several legacies which the Dutches has paid. Answered, 1*mo*, The Assignation was null, being granted by Lady Margaret when married to Doctor Gilbert Burnet, after Bishop of Salisberie; and he not Consenter for his interest, replyed in his contract of marriage, the Bishop renounced his *jus mariti* as to the soume. Likeas, after the Assignation, he granted a Ratification therof to the Dutchess, which two are sufficient to sustain the Assignation. Duplyed, A husband's concourse and consent to the legall deeds of the wife, must be specifick as to the thing, and interposed in *ipso actu*, and not a generall Confirmation, *ex intervallo*, which does not integrat the act, just as a Tutor's concourse with his Minor must be *in ipso actu*. Triplyed, The husband may, *quando cunque*, consent, and, in such case, *ratihabitio comparatur mandatis, et retro trahitur*; and though, by the old law, Curators could not ratify *ex intervallo*, yet, by the Law of the Code, (and Burnet's Codes, were good enough, otherwise he had never gotten Lady Margaret Kennedy in marriage,)—*Lege, ultimav. ad Senatusconsultum Macedonianum*; and Bachavius is of the same opinion. The Lords fand Lady Margaret's Assignation

sufficiently validate by the antecedent Renunciation, and subsequent Ratification of the husband. 22d February, 1698.

Sir George Lockhart, (that was murdered by Cheesly of ,) having given a Bond of Provision to his daughter for 5000l. Sterling, she is married to her cousine-german, James Lockhart, younger of Castlehill; and, with advice of friends, there is a contract made, whereby she assigns her portion then extending, with the annual-rents, to 115,000 merks, and she is provided to a jointure of 500l. Sterling *per annum;* and her husband haveing dyed abroad, she was after married to Lord Carmitchal's son, the Laird of Mauslie: and, being still minor at her second marriage, as she was at her first, she raises a Reduction of her first contract against the Lady Castlehill, who wes sister and heir to her first husband, and John St Clair of Stevenson, her husband, for his interest. The Lords fand Sir George's daughter lessed in her first contract; but reserved to themselves to consider, if this should impute a totall restitution against the articles of it, or only a ratification to bring up the bargain to ane equality and equilibrium. *Nota,* In this pursute, there is mention of Sir George his having gotten a great tocher with his second Lady, who wes sister to the Lord Wharton, and, notwithstanding his vast fortune, gave her only 600 lib. Sterling of jointure *per annum,* and though the Lady Salton, who brought more than 100,000 merks of portion, got only 7000 merks of jointure; and therein, also, mention is made of Mr

Francis Montgomerie's transaction being sustained, made his Lady's curators when minor, setling a localitie in place of courtesie which never existed; and the Lady Leven, (to whom Mr Francis was married,) was known, by phisitians, to be unfitt for procreation of children, and so there could never be a Curiality. 24th February, 1698.

In the action betwixt Duke Gordon and his Lady, the Lords allowed a conjunct probation; the Dutches to prove the acts of maletreatment, and the Duke to prove he furnished her sufficiently with all necessaries, and, in the interim, to pay 800 lib. Sterling for her present subsistence. Some of the Lords proposed to give her a year of her jointure, whereto she was provided by her contract, which is 1200 lib. Sterline, to help to pay her necessary debts. 25th Feb. 1698.

1st June, 1698. The Lords choosed Lord Mersington President. Then it was moved, that his Majestie, by his letter in March last, had nominate Mr Hugh Dalrymple of Northberwick, Advocate, President, in place of his father, the Viscount of Stair, who dyed November, 1695, (and so the place has ever been vacant since,) and the Lords being conveened then by the Lord Newbythe, (Baird,) the eldest in the commission, (dead since that time,) did read his Majestie's letter, and wrote ane answer, that they had delayed his admission till the Session sitt down, in regard of some formalitys required by ane Act of Sederunt anent admission of the Lords; so it was now proposed, the Lords might take it to their consideration what fur-

ther they had to do in receiving the President. Some said, the act, made in July, 1674, for trying the Lords of Session, by sitting three days in the Outer House, &c. did not concern the President, who had no occasion afterwards to sitt in the Outer House; and the stile of his letter differeth from that of the other Lords; first nominats him President, without mentioning a tryall: the others bears the words *presents, the person nominat to be tryed.* On the other hand, it was urged, that the act was made for the admission of the Ordinary Lords, whereof the President could not be denyed to be one, and made no distinction or exemption of the President more than another Lord, and so must be followed; and the notoriety of qualifications must not dispense with the act for the preparative. What if ane unfit person should be named by the King *per abreptionem?* The Lords might try and reject; and through the Lords Newtoun, (Falconer,) and Carnwarth, (Lockhart,) were admitted Presidents since the act of sederunt, without undergoing a tryall, yet Newtoun had been a Lord for some years, and had given in his tryall, and Sir George Lockhart of Carnwarth's case fell in dispensing times, and not to be drawen in example; for then the Test, and other oaths of Parliament, were, by the Government, then laid aside, for it was no wonder to see a less formality neglected. Then the vote was stated, *Admitt presently,* or *Try;* and it carried *Try,* by a plurality, in the terms of the Act of Sederunt. See, Sederunt Book, in folio manuscript, page 440. The 2d, 3d, and 4th June,

1698, being Thursday, Friday, and Saturday, the President sat with Lord Fountinhall in the Outer House, as a part of his tryall conform to the said act. It was moved by some of the Lords, that Whitlaw (Hamilton) ought to go to the Outer-House this week, in respect of the 19th act of Parliament, 1693, ordaining each Lord to serve his turn in the Outer-House per vices; and if he be absent or excused when it falls to be his course, then how soon the impediment ceases, he is to go out; and Whitelaw having served as President the last Session, when his Outer-House tour fell, and that now ceassing, he ought now to serve, there being few. It was contended the act spoke only of absence out of the house upon sickness, and other reasonable excuse, which was not his case. The Lords, in regard of the circumstances, would not urge him, for he had got the promise of being President himself, by the Earl of Tillibardin's moyen, who was the Secretary; but being disappointed, shunned to sitt with the President Dalrymple in the Outter-House, and Tillibardin left the Court, and turned dissatisfied; whereupon being Fountinhall's towre, he officiat there for that week, and the 7th June being Tuesday, after he had reported several causes *in presentia*, he was admitted.

George Bell, merchant in Edinburgh, imprisoned for printing scurulus verses against Hepburn of Bradfoord.

Mr Robert Bennet chosen Dean of Faculty in

place of Mr Hugh Dalrymple, made President, 11th June, 1698.

Sir James Balfour of Denmill, late Lord Lyon, having left many valuable manuscripts, such as Treaties with foreign Princes, Chartularies of Dunfermline, Arbroth, Carthusians of Pearth, and other ministers, the Advocates bought the same for their Library, by the Lords of Session's intreaty. 1st November, 1698.

George Denniston, writer in Edinburgh, has a complaint against John Cheesly, writer to the signet, for calling him a cheat (which he has been with a witness since.) And villain Cheesly was fined in 100 merks to the poor, and ordained to crave Denniston's pardon, 19th February, 1698. This was Cheat *contra* Cheat, for they were both egregious cheats, and now both (1727) in a manner bankrupts.

Fletcher of Aberladie pursues Kennedy of Becterson for 13,000 merks, which Aberladie had paid him for his mother's liferent, who was married to Becterson; albeit at the time she had cancer in her breast, whereof she died ten weeks after the transaction. 13th November, 1698.

24th November, 1698. This day, was presented to the Lords of Session, the deceased Adam Chrystie, one of the under Clerks of Session, his mortification of 5000 merks, the annual-rent wherof being 200 lib. Scots, he destinates 100 lib. therof for a Philosophy burser in Edinburgh College, and the 100 lib. to be distribute yearly among the indigent widows of such as have depended on the Colledge of Justice, &c.

And recommended to the Lords of Session to see the same accordingly applyed, and to be recorded in their books. The narrative is "for the honor of the Protestant religion, whose principles tend to charity and good works, and for the glory of God, who furnished me bread, and led me in the whole tract of my life."

George Denniston, writer, complains of Thomas Smith, brewer, for beating him at Edinburgh Cross, three years ago. Smith alleadged it was *hactenous judicata* before the Baillies of Edinburgh; but the Lords fand it otherwise, 28th December, 1698.

Mr William Monypeny, Mr James Daes of Coldineknows, and Mr William Beaton of Craigfudie, advocats, having laid themselves aside, and not qualifying to the government, are re-admitted by King William's letter. 31st December, 1698.

William Welwood, son of Hary Welwood, pursues Robert Welwood, merchant, his father's brother and tutor, (a suple rogue,) for intromission with his father's effects; but he haveing elicite from his son a discharge by surprize, within three or four dayes after his majoritie, the Lords, by influence of Dalrymple the President, by a narrow plurality, sustained the discharge. This rogue Welwood, the tutor, married one of the anties, called Denholme, and the President another. 17th January, 1699.

Sir Patrick Aikenhead haveing demitted his office as Commissar-Clerk in favours of Mr John Murray, advocate, brother to the Laird of Levingston, Sir Walter Seaton competes with him on a gift frae the

King. Sir Patrick dyed about this tyme. 27th January, 1699.

14th February 1699. The King's letter is produced, nominating Sir John Maxwell of Pollock (Justice-Clerk, by Ormiston's being made Thesaurer-depute,) ane Ordinary Lord of Session, in place of Lord Newbyth, deceast.

Sir John Riddel, *de eodem*, pursues Drummond of Blair for 9000 merks he had paid him in lieu of 52,000 merks, wherein Riddel and his lady were fined for Conventicles, upon the Act recissory in 1690 and 1695. Blair said, he had got the 9000 merks as a compliment for getting so great a part of his fine down; and, besides, got him a remission. Some of the Lords thought Blair's case fell not under the Acts of Parliament, and thought it was applyed to Melfort's behoof. But the plurality agreed, that tryall should be taken before answer, who received the money; and, if Blair gott it, then he must condescend, and give what evidence he can, to whose use the money went; but did not require a strict probation of the same. 21st February, 1699.

Alexander Fyfe, writer to the Signet, is, on a complaint, suspended by the Lords from his office, for using arrestment at Lord Bamff's instance, against Mr George Simson, without any warrand from Bamffe, only to give him a pretence of a Suspension for keeping the poor man's money, 21st February, 1699. Also Ogilvie of Forglen, brother to Lord Bamff, admitted deputy-keeper of the Signet under Seafield, Secretary,

and Robert Watson, writer to the Signet, is conjunct with him for Lord Carmichall, the other Secretary. In the mutual complaints betwixt Smith and Denniston above, Denniston having called Smith a broken man, Smith beat him therefore. Continued to 1st of June, 1699.

Thomas Hay, son of umquhile Thomas Hay, Principal Clerk of Session, admitted Under Clerk of Session, in place of Alexander Stuart, who dyed last vacance, 1st June, 1699.

Robert Colvill, agent, haveing dyed about this time, there is a Bill given in by severalls for whom he did business, against his sisters, executors to him, for getting up their papers, 1st June.

Robert Ross, writer in Edinburgh, being informed that his wife, Margaret Gray, gave out herself to be with child, and he considering the many attempts she had made to strangle him, and the suspitions of defyling his bed, so that he had not copulate with her for sundry moneths, he signed a declaration, bearing, that if she had a child after his death, if it did not answer the time he named, it was not his, intreating the Judges that it might not succeed to his estate; and he deceasing, his sisters, Janet and Anna Rosses, gave in a Bill to have her sighted by midwives, which was granted. *Nota*, He was servant to Lord Pitmidden, and William Robertson, Under Clerk, got a good part of his means. 30th June, 1699.

Mr James Douglas, writer to the Privy Seal, being dead, the Duke of Queensbery, as Lord Privy Seal,

presents William Alves to the Lords of Session, to be admitted to that post. But it being questioned, whether the King or the Duke had the presentation, the Earl of Seafield, Secretar, took a protest for the King. 14th July, 1699.

Mary Lyon pursues Gordon of Techmuir, son of the parson of Rothimay, her cousine-german, for ane aliment, whom he had taken into his house to oversee his children, and invited to his bed, under promise of marriage, by writt under his hand; and after several moneths' cohabitation, seized on her papers, and turned her away. The Lords referred the affair to the Commissary. July 20th, 1699.

Major William Burnet gives in a complaint against Alexander Alison, writer, who had borrowed up his Band after it was registrat, and a Suspension therof depending theron, and sent it up to London, whereupon Straton the creditor put Burnet in the King's Bench, whereby he was damnified in more than 200 lib. Sterling. The Lords sent Alison, and James Carnegie, Keeper of the Register of Bands, both to prison, and fined each of them in 100 merks. But reserved the consideration of Burnet's expenses, and who should be liable to him therin to the conclusion of the cause. 20th July, 1699.

Mr John Mowat, advocate, having falsified his trust to Bethia Mowat, for whom he was employed, and buying ane Apprysing against her; and for example to others not to betray their trust, the Lords deprived him of his office, and called in the Dean of Faculty,

and heall advocates, and intimate his deprivation to to them. 26th July, 1699.

Robert Watson, writer to the Signet, being dead, Lord Carmichael, Secretar, gives the post of Keeper of the Signet to Robert Kennedy of Achtfoddel. 22d December, 1699.

The fire which burnt the Parliament-Close was upon the 3d of February, 1700.

Moncrieff of Morinpae, Clerk to the Admission of the Notars, being dead, David Crawford, late Secretary to the Duke of Hamilton, got his post frae Earle of Selkirk, Register. 14th February, 1700.

Alexander Innes, writer to the Signet, having severall papers belonging to Strathmore and Panmure, and haveing absconded, they got warrand to apprehend him. 21st February, 1700.

Mr Robert Richardson, Writer to the Signet, dyes about July 1700.

The port at the foot of Hackerston's Wind was made about 1680, but was closed up, 1700, at the Trades of Edinburgh their desire, because Robert Maloch had several tradesmen in his lands of Mutrici Hill, which wronged the Trades of Edinburgh. And he having drained some of the north side of the North Loch for drowning the draining. But hearing the Lords of Session desired to cause them to oppen the vent, they did it of their own accord. 21st February, 1700.

Duncan Ronald, writer to the Signet, is dead before 21st February, 1701.

Dame Magdalen Kinloch, relict of Sir James Rocheid of Inverleith, pursues James Rochead, her son, for ane annuity of 3000 merks per annum, 5th July, 1701.

James Gordon of Daach, as donator to the liferent escheat of John Anderson of Westertown, assigned to him by Duff of Bracco, (which Duff had informed the Government of rebellious speeches of Westertown's against the same; for which he was forfeit in anno 1686, or 1687.) Major Anderson, brother to Westertown, craves to be preferred to Daach, as having a right to his brother's escheat from the King. 9th July, 1701.

Mr Robert Stewart, advocate, admitted Lord of Session, in place of Swinton of Mersington, who dyed in August last, 1701. He wes efter designed Lord Tilliecultrie.

Gordon of Techmure, (mentioned in page 289,) ordained to pay his concubine, Lyon, 200 merks yearly, and other 200 merks of expences; and if she designed adherance, it was competent before the Commissary. 28th July, 1701.

Alexander Wedderburn, younger of Blackness, admitted Clerk of the Bills, on a commission frae the Earle of Selkirk, Register, and his father's demission to half of the office. 5th November, 1701.

Magdalen Kinloch, relict of Alexander Chaplane, writer, has a competition with Sir Andrew Ramsay, of Abbotshall, anent 6000 merks, as heir to her father, Hary Kinloch. 27th November, 1701.

Cuygnii* of Headmark, having hade reflections in his bill against Viscount Stair, and he saying the same was done by his brother, without his knowledge, his brother is warded for a moneth, debarred agenting, and to crave pardon of the Lord on his knees. 2d December, 1701.

There is ane action at the instance of John Maxwell, grandchild to Mr John Maxwell, Bishop of Ross, in July, 1678, against Seaforth, Balnagowen, &c., which discusses severall points anent prescription of Feu and Teind-duties.

Information, Sir Robert Murray, *alias* Crichton, against Murray of Brughton, holding out all his forgeries, with Brughton's answers; in ane folio Manuscript of Fountainhall's, from page 105 to page 137.

Isobell Ker raises a Reduction of a Disposition of the lands of Mersington, made by her to Mr Alexander Swintoun, advocat, because it wes but of the nature of a Factorie, and revoked by a posterior right made to Ker of Litledean; and when she granted the Disposition to Swinton, he made her beleeve it wes only a Factorie, and so circumvened her. I judge Swinton married her sister to his first wyff; and now Mersington is gone from him and his. 19th Dec. 1677.†

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* So spelled (apparently) in the MS. The name of the gentleman was Cannon.

† This is one of Mr Milne's ill-natured notes. Swinton of Mersington was the first Whig Lord of Session, which probably excited Milne's spleen.

Lady Margaret Cunningham, and her spouse, Mr John Maitland, has ane action against the Lady Cardross. 8th June, 1680.

Sir James Stuart had to his son Sir William, who wes served heir to him. He had ane elder son, but he wes fatuous.

John Straquhan, writer to the Signet, imprisoned for reflecting on Balfour, Lord Forret, in not doing him justice; as also on Mr Patrick Lyon, advocat, who said had attempted to assassinate him. But having submitted and craved pardon, he was liberat; albeit some were for depriving him. 6th February, 1686.

THE END.

EDINBURGH:
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ERRATA.

The reader is requested to pardon the following errors of the press, or pen.:—

P. 34. The Note on this page applies not to David Dick, who suffered in 1683, but to John Dick, who met the same fate in 1684, and is mentioned p. 80.

P. 100. Note, last line, *Juddie*, read Suddie.

INDEX.

A.

Abbey, 9, 10, 18, 143. Church, 170. Chapel, 202, 205, 215, 220, 221, 229, 254.
Abbey, Swine, 43.
Aberdeen, Earl of, 28, 37, 72, 78, 80, 85, 92, 122, 167, 188, 238.
Abercromby, of Teterneir, 215.
Aboyne, Earl of, 6.
Abrucher, vice-president, 269.
Acheson, Archibald, a soldier, 132.
Adair, John, 177.
Advocates, 158, 167.
Albemarle, Duke, 58. Son of, 63.
Alexander, Mr James, 276.
Alexander, a soldier, 197.
Alison, Janet, 7.
Alofe, Captain, 142.
Alves, William, 289.
Ambassador of the Duke of Helsten imprisoned, 16.
Anderson, Bailie, 250.
Anderson of Dowhill, 122.
Anderson, younger of Westertown, 213, 223.
Anderson put out of his meeting-house, 232.
Ann, Lady, sister of the Duke of Gordon, 18.
Annand, Dean, 195.
Anne, Lady, afterwards Queen, 9, 20, 30.
Anstruther, Sir James, 202.
Archer, Rev. Mr, 141.
Argle, Countess of, 271.
Argyle, Earl of, 8. Trial, 20. Ships taken, 50. Made prisoner, 51. Beheaded, 54. Persons in his train, 55. Printed process, 71. King's letter anent his estate, 74. Creditors displeased, 88. Hail papers of, found, 104. Rumour of his landing, 129. Forfeiture, 130. Report that he had landed in Cowell, 132. Proceedings against, 134. Taken, ib. Declared an hereditary traitor, 135. Treatment of his sons, 142. Act against, 178.
Armstrong, Archie, 36.
Armstrong, Sir Thomas, 36.
Arran, Earl of, 177, 208, 217, 222, 227, 228.
Assassination, deliberate act of, 109.
Athole, Marquis of, 19, 72, 131, 145, 147, 169, 190, 223.
Atkinhead, Sir Patrick, 286.
Ayton, of Inchdown, 247.

B.

Baird, John, 87.
Bailie, of Jerviswood, 43, 101, 107, 116, 118, 130, 176.
Bailie, William, of Torwoodhead, 75, 153.

Balcarras, Earl of, 97, 143, 172, 173, 189, 217, 220, 230, 241, 258, 264.
Balcaskie, Lord, 220.
Balfour, Sir James, 199, 285.
Balfour, Lord Forret, 293.
Ballenden, Sir William, 218.
Balmerino, the Master of, 224.
Bamffe, Lady, 122.
Bamff, Lord, 202.
Bancrieffe, Lady, 217.
Banerman, Mr George, 95, 230.
Bannatyne of Corkcase, 111.
Barclay, Robert, 115.
Barganies, Lord, 112.
Barkley, Robert, 258.
Baxter's Close, fire in, 152.
Baxter, non-conformist, 58.
Bayne, of Dalney, 261.
Beaford, Earl, 30.
Beggars, 26. Act against, 149.
Bell, George, 284.
Berwick, Duke of, 261.
Berwick, Mayor of, 251.
Berwick, town of, 105.
Binnie, Sir William, 281.
Birnie, Mr John, 178.
Blaccater, Mr, taken, 132.
Blackater, Surgeon, taken with Argyle, 138.
Blair, Sir David, 214.
Blairhall, 195.
Blairhall, Lady, 215.
Boig, James, 17.
Bold, precenter to Ranny, 227.
Borthwick, Lord, 274.
Boswell, Captain, 155.
Boyd, of Pockell, 165.
Brand, Bailie Alexander, 253.
Brandon, Lord, 65.
Bridgewater, fight at, 138.
Brisbane, Madam, 198.
Brisbon, Mr, 41.
Brody, of Lethen, 220.
Brody, William, 120.
Broomly, Madam, 212.
Brown, Hugh, 147.
Bruce, of Broomhall, 180.
Bruce, Doctor, 174, 176, 257.
Bruce, Kathrin, 84.
Bruce, Sir William, 151, 172, 173, 177.
Brugh, William, 188.
Buchan, Earl of, 279.
Buchan, Mr John, 208.
Buchanan of Ampryer, 213.
Buchanan of Lenny, 213.
Burnet, Archbishop of Glasgow, 184.
Burnet, Doctor, 30, 34.
Burnet, Major, 289.
Burnet, Gilbert, 43, 58, 214, 216.
Burnet, Regent, 180.
Burnet, Mr Robert, 284.
Burnet, Mr Thomas, 195.
Burnet, Archbishop of St Andrew's, 42, 99.
Buroughs, convention of, 128, 169, 186, 262.
Bury, Sir Edmond, 16.
Byres, of Coats, 208.

C.

Caddell of Muretoun, 180.
Cardross, Lord, 96.
Cairncorss, Mr, 105, 111, 206.
Callander, Captain, 273.
Callender, Earl of, 142, 180.
Cameron, Sir Evan, 142, 258.
Cameron, James, 224.
Cameron of Locheil's men, 50
Cameronians, 18, n. 234, n.
Campbell, Mr Alexander, 216.
Campbell, Archibald, son of Lord Neil, 135.
Campbell of Arkinglas, 103, 120.
Campbell, Hugh of Cessnoch, 82. See Plot Ryehouse, witnesses of, 84, 86. Sent to the Bass, 104, 120, 140, 173, 175, 189.
Campbell, of Calder, 166, 167, 243.
Campbell, Charles, Argyle's son, 139, 142.
Campbell, Duncan of Achinbreck, 147, 154.
Campbell, Sir George, younger of Cessnock, 120.
Campbell, John, son of Argyle, 142.

Campbell, George, 73.
Campbell, Rev. George, 104.
Campbell, of Glenlyon, 94.
Campbell, Mr George, 274.
Campbell, Lord Neil, 95, 142.
Campbell, Succo, 129.
Cant, Rev. Andrew, 7, 65, 240.
Cardross, Lady, 222, 293.
Cargill, Donald, 10, 17.
Carmichael, Sir Daniel, 121, 141.
Carmichael, Sir David, 156.
Carnegie, Sir David, of Pittano, 178.
Carse, Lord, 60.
Carstairs, William, 42, 101, 102.
Case, Argyle's person implicated by, 72.
Cathcart, of Cabisten, 152.
Cathcart, James, 43.
Cathcart, Lord, 172.
Celiers, Mrs, fined, 16, 17.
Cessnock, Campbells of, 134, 141.
Chancellor, See Aberdeen, Gordon, and Perth.
Chancellor, John, Bailie of Edinburgh, 91.
Chapter, the, of Edinburgh, 240.
Chapter, the, of Glasgow, 210.
Charles I. See King.
Charles II. See King.
Cheesly, murderer, 281, 285.
Chrystie, Adam, 285.
Clacmanan, Lady, 278.
Claverhouse, 38, 39, 41, 43, 66, 74, 83, 112, 115, 126, 128, 166, 198, 209, 217, 250.
Clidesdale gentlemen called before the Council, 118.
Cochran, Lady, 279.
Cochran, Sir John, 57, 78, 86, 101, 111, 120, 130, 138, 173, 184, 214, 225, 279.
Cochrane, Sir John's, house, 35.
Cockburn, James, demits his kirk, 97.
Cockburn, hangman of Edinburgh, hanged, 22.
Colbert, 34.
Colledge of Edinburgh, 7.
Colliginers, 6.
Colbert, Mon., 176.
Colt, Mr Robert, 95, 180, 230.
Colvil, Matthew, 210.
Colvil, Robert, 288.
Comet seen in 1680, 5.
Compton, Bishop of London, 6.
Constable, Mr John, 199.
Cook, Mr Robert, 216.
Coutts, Provost of Montrose, 236.
Craigie, of Gairsie, 168.
Cranston, Lord, 218.
Coningsmark, Count, 23.
Covenant burnt, 21.
Council, 16, 70, 79, 88, 107, 112, 115, 123, 128, 134, 135, 136, 137, 139, 140, 147, 148, 150, 155, 160, 162, 216, 217, 237, 240, 250, 252, 257, 259, 260, 261, 262.
Council, Commissioners of, 107, 198, 128, 134, 135, 138, 139, 140.
Cowell, report of Argyle's landing in, 132.
Crawfurd, Mr Alexander, 218.
Crawford, Peter, 82.
Cromartie, 177.
Culpeper, Captain, 63.
Cunningham, of Boquhan, 74.
Cunningham, of Craigance, 107, 111, 131.
Cunningham, Lady Margaret, 293.
Cunningham, Provost of Air, 89.
Cushni, Thomas, 200.
Customs rouped, 198.
Cuygnii, of Headmark, 292.

D.

Dair, Mr, shot, 60, 61, n.
Dale, phenomenon at, 35.
Dalhousie, Earl, 27, 279.
Dallas, George, 275.
Dalrymple, Hugh, 79.
Dalrymple, Sir James, of Stair, 38, 102, 120, 146, 153, 267, 272.
Dalrymple, Mr James, Clerk of Session, 204.
Dalrymple, Sir John, of Stair, 38, 103, 112, 126, 135, 158, 160, 161, 168, 205, 209, 228, 243, 247.

Dalrymple, eldest son of Sir John, 24.
Dalyell, General, Thomas of Bins, 9, 10, 63, 71, 97.
Dalzell, Sir John, 180.
Deas, Mary, 278.
Dempster, Sir John, 180.
Denholme, of Westsheill, 138.
Denmark, Prince of, 128.
Denniston, George, 285, 286.
Devonshire, Duke of, 63.
Dewar, David, 273.
Dick, Captain Andrew, 121.
Dick, David, 34.
Dick, Sir James, 7, 115.
Dick, John, 80.
Doctors, of Divinity made, 195.
Does, James, 206.
Douglas, Bishop of Dumblane, 180, 255.
Douglas, of Cavers, 85.
Douglas, Colonel, 93, 129, 166, 189, 204.
Douglas, James, 288.
Douglas's Regiment, 112.
Drought in 1681, 17.
Drumeldon, 198.
Drumcairne, Lord, 220.
Drumlenrig, Lord, 208.
Drummer, shot at Leith, 164.
Drummond, Bailie and Provost of Edinburgh, Sir George, 31, 93, 114, 119, 129, 143.
Drummond, Bishop of Brechin, 194.
Drummond, of Blair, 144, 204, 237. 242, 244, 287.
Drummond, of Carlourie, 120.
Drummond, David, 93.
Drummond, General, 111, 156, 165, 167, 172, 175.
Drummond, George, 86, 209.
Drummond, John, 191.
Drummond, of Lundie, 85.
Drummond, Machanie, 219.
Drummond, Town-Treasurer, 120, 121.
Duchall, of Porterfield, 43, 107, 110, 129, 184.
Duff, of Braco, 213.
Duffus, Lord, 253, 258.
Dumbarton's, Earl of, Scots regiment, 59.
Dumbarton, Earl of, 130, 168.
Dumbarton, 9.
Dumfermling, Earl of, 171.
Dumfries, Earl of, 178.
Du Muline, Dr, 183.
Duncan, Mr Adam, 272.
Dundas, Laird of, 70.
Dundonald, Earl of, 186, 191, 211, 258.
Dunmore, Earl of, 190.
Dunbar, of Barden, 208.
Dunbar, Sir David, of Beldoen, 210.
Dunbar, Father, 212.
Dunbar, surgeon, taken with Argyle, 138.
Du Pont, 134, 158.

E.

Eccles, Mr William, 202.
Edie, Bailie, 180, 182.
Edinburgh, 3, 5. Magistrates of, 69. Synod of, meets, 87. Magistrates, 89, 91. Town Company of, 106. Synod of, ib. Town Council of, 115. King James VII. proclaimed at, 123. Magistrates of, 126. Great steir in, 132. Election of Magistrates stopped, 145. Act of the Council of, 149. Town of, lays aside its Assessors, ib., 157, 159. Synod of, 169, 194, 195, 199, 209, 217, 221, 225, 258, 272, 276.
Edmonston, Lord, 244.
Eglington, Earl of, 166, 173, 178.
Ellies, of Ellieston, 81.
Eliot, Dr, 195.
Elliot, Gilbert, 230.
Elliot, writer, Edinburgh, 120.
Elphinston, James, 187.
Elphinston, Mr John, 277.
Elphinston, a writer, 221.
Elphiston, of Lapnes, 135, 249.
Enterkins, pass of, 96, 98.
Errol, Earl of, his claim, 132. Gets back his sherriffship, 134, 135.

Exchequer, 101.
Exclusion, bill of, 6.
Exhibition, scandalous, 29, n.

F.

Fagell, pensionary, 242, 252.
Fairfoul, 246.
Fall, Dr, 105.
Falconer, Sir A., of Glenfarquar, 224.
Falconer, of Balmakellie, 223.
Falconer, George, 164.
Falconer, John, of Fesdo, 27.
Falconer, Sir John, set over the mint, 151.
Falconer, of Newton, 65, 153.
Ferguson, David, drowned, 22.
Ferguson, Robert, 59, 120, 131.
Fielding, Beau, 94.
Finder, Thomas, 240.
Fintray, Lady, 128.
Fire-cross, sent through Fife, &c. 134.
Fletcher, of Salton, 60, 110, 121, 146, 153, 154, 158.
Fletcher, of Aberladie, 285.
Fletcher, William, 93.
Flyming, 24.
Flyming, Sir James, 88, 89.
Forbes, Sir Alexander, 127, 129.
Forbes, of Auchredie, 260.
Forbes, of Tolquhon, 83, 187, 200.
Forbes, Marjory, 248.
Forbes, the Master of, 210.
Forbes, Robert, 17.
Forrester, Sir George, 75.
Forrester, Lord, 251.
Forrester, minister of Edinburgh, 110.
Fotheringham, of Powerie, 186, 187.
Foulis, Lord Collington, 35, 243.
Fountainhall, 4, 8, n. 10, n. His servants, 67, 152, 162, 165, 171, 172, 173, 180, 198, 201, 213, 244, 257, 258.
Fraser, of Kinmundie, 199.
French, David, 272.
French, 19. Protestants, 67.
Friday, Good, 83.
Fyfe, Alexander, 267.

G.

Gairns, Mr, 194, 195.
Gardyn, of Migstrath, 126.
Generals, our fate of, 68.
Gibb, assumed the name of King Solomon, 10.
Gibson, Sir Alexander, 196, 239.
Gibson, John, 204.
Gibson, Walter, 242.
Gilmour, Mrs Anne, 224.
Gilmour, Sir John, 224.
Glasford, Lord, 115.
Glasgow, 9. Circuit, 107. Action of, 152.
Glen, James, 232.
Glencairn, Earl of, 172.
Glendoeg, Lord, 209.
Glocester frigate, 9.
Godfrey, Sir Edmond, 62.
Godfrey, Michael, 16.
Goodenough, Mr, 62.
Gordon, Chancellor, 83, 85, 91, 92.
Gordon, Duchess of, 276, 282.
Gordon, Duke of, 49. Sister of, 67. Opposition to, 130, 177, 195, 203, 223, 238, 249, 276.
Gordon, of Earlston, 29, 70, 71, 75, 98, 100, 104, 225.
Gordon, James, of Daack, 292.
Gordon, Thomas, (son of Boighall,) 203.
Gordon, Thomas, Clerk of Justiciary, 164, 181, 182.
Gordon, Thomas, 86, 88, 180.
Gordon, William, 194.
Gordon, Thomas, 79.
Gordon, of Techmuir, 289.
Gowrie's Conspiracy, com. 96.
Goyer, hanged, 11.
Græme, of Deuchrew, 233.
Græme, Mr James, 194, 230.
Grame, of Duntraun, 186, 187.
Grame, Mr James, 158, 162.
Graham, James, Bailie of Edinburgh, 168.

Graham, Sir Richard, 93.
Grass-market, executions in, 11.
Gray, Margaret, 268.
Gray, Mr, decyphers Argyle's letters, 73.
Gray, of Shives, 127.
Grier, 81.
Griffith, made prisoner, 139, 164.
Gullan, Andrew, 29.
Gustavus, King of Sweden, 231.
Gutters, Lady, 189.

H.

Habayehall, 87.
Hackerston's Wynd, 290.
Hacket, Robert, Captain, 59.
Halifax, Lord, 21, 65, 78.
Holyrood House, 3, 198, 220.
Hamilton, of Aikenhead, 105, 120.
Hamilton, of Bancreieffe, 190.
Hamilton, Duke of, 26, 70, 81, 85, 103, 161, 167, 172, 173, 176, 177, 181, 188, 189, 192, 196, 202, 203, 208, 211, 212, 216, 236, 248, 258.
Hamilton, of E. Pencaitland, 276.
Hamilton, executed, 4.
Hamilton, Gavan, 230.
Hamilton, of Halerig, 111.
Hamilton, James, 207, 275.
Hamilton, John, 194.
Hamilton, of Pressmanen, 94, 272.
Hamilton, minister of Hamilton, 147.
Hamilton, of Reidhouse, 254.
Hamilton, of Orbiston, 180, 181, 184, 185, 190.
Hamilton, of Wishaw, 120.
Hangman, of Edinburgh, of London, 22, 98, 99.
Harcars, Lord, 161, 244, 247.
Hardie, Dr, 227, 228.
Hatton, Lord, 26, 27.
Hay, Alexander, 229.
Hay, 202.
Hay, Commissar Clerk, 124.
Hay, James, 194.
Hay, John, 230.
Hay, of Park, 120, 143.
Hay, Mr M. of Perth, 231.
Hay, Thomas, 70, 288.
Haygons, of Craigforth, 273.
Heburn, of Bareford, 277.
Heburn, of Keith, 244.
Henry, Mr George, 251.
Hervy, ——, 7.
Hewas, 195.
Hislop, Isobell, 274.
Hog, John, 273.
Hogg, Sir Roger, 161.
Home, Alexander, 27.
Home, of Polwart, 104, 105.
Hope, Sir Alexander, of Granton, 233.
Hope, of Carse, 230.
Hopekirk, merchant, 278.
Hospital, Heriot's, 21, n. 239.
Hopeton, letter concerning, 219.
Houston, Mr William, 211.
Houston, a field preacher, 259.
Houstoun, *de eodem*, 185.
Hume, of Renton, 161.
Hume, of Bassenden, 120.
Hunter, Mr, minister of Stirling, 87.
Hunter, of Morehead, 212.
Hutchenson, Mr James, 241.
Hygins, advocate, 94.

I.

Jaffrey, Dame Barbara, 223.
James, VII. See King.
Jenkis, Sir Lionel, 85.
Johnston of Hilton, 33, 73.
Johnston of Lockerby, 165.
Johnston, Mr Alexander, 274.
Johnston, field preacher, 226.
Johnston, John, 144.
Johnston, late sec., 279.
Johnston, provost of Glasgow, 181, 185, 186.
Jonston, Sophia, 112,
Jousce, John, 197.
Indemnity, his Majesty's, 125, 262.
Indulged Ministers, 107, 112, 126.
Innes, Alexander, 290.
Innes, Robert, 131, 181.

Innernytie, Lady, 195.
Inundations, in Holland, &c. 22.
Ireland, rebels from, 127.
Irving, John, 204.
Irvine of Drum, 260.
Isaac, heads Irish rebels, 127.
Junto, 72.

K.

Keith, a fencing-master, 164.
Keith, Mr Robert, of Aberdeen, 260.
Keith, Robert, of Lentosh, 248.
Kelso, burnt, 35, 91.
Kinloch, Dame Magdalen, 291.
Kenn, Bishop, 45.
Kennedy, Bailie, Provost of Edinburgh, 146, 169, 175, 227.
Kennedy, of Cullen, 143.
Kennedy, Conservator, 186.
Kennedy of Granges, 175.
Kennedy, Sir James, 214.
Kenedy, Provost of Stirling, 87.
Kennuay, Lord, 216, 223.
Kenoway, Thomas, assassinated, 109.
Ker, of Morison, 114.
Ker, Isobel, 292.
Kerr, Mark, murdered, 124.
Kerr, William, 84, 274.
Kinaries, Minister of Seling, 163, 207.
Kincardyne, Countess of, 204.
Kincardyne, Earl of, 96, 197.
Kilsythe, Lord, 180.
King Charles I., 183.
King Charles II., 45, 48, 123, 184.
King James V., 28, 47.
King James VI., his fool, 36, 43.
King James VII., 47, 54, 60, 118, 165.
King William III., his birth-day, 269.
Kinloch, Mag. Mrs Chaplane, 291.
Kintair, Treasurer-depute, 124.
Kintore, Lord, Treasurer-depute, 151, gets a gift of fines, 151, 154.
Kirkton, Mr James, 226.

L.

Ladys, Greenock, The, &c. 210.
Lambert, Lt. Gen. 35.
Lamont, Laird, 176.
Lauderdale, Duchess of, 25, n, 158, 161, 209, 231.
Lauderdale, Duke of, 25, 75, 83, 122, 155, 157, 166, 176, 184, 248.
Lauder, John, 4.
Lauder, John, 197.
Lauder, Mr Robert, 194, 260, 272.
Lauder, William, 274.
Laury of Blackwood, 71, 78.
Leagues, Solemn, 21.
Learmonth, Major, 23.
Learmuth, Mr Thomas, 162.
Levingston, Mr Alexander, 142.
Lesly, Alexander, 74.
Lesley, Broad George, 195.
Lesly, General, 22.
Lesley, Provost of Aberdeen, 233.
Letters, King's, 80, 145, 147, 148, 150, 155, 156, 157, 161, 162, 165, 169, 171, 172, 175, 187, 191, 192, 193, 195, 199, 200, 205, 207, 208, 211, 212, 214, 219, 220, 226, 228, 232, 236, 239, 243, 246, 248, 250, 252, 257.
Liddesdale, Mr Robert, 195.
Lichtone, Kat., 224.
Lichton, Bishop, 41.
Lines, Latin, 265, 266, 267.
Lithgow, Earl of, 8, 71, 190, 212.
Littlejohn, Mr Charles, 260.
Little of Libertoun, his lady, 131.
Livingstone, Lord, 124.
Lochoir, Lord, 220, 230, 264.
Lockhart, Sir George, 156, 161, 167, 172, 173, 175, 192, 206, 212, 228, 239, 281.
Lockhart, Lord Castlehill, 161.
Logan, David, 164.
Lorn, Lord, 127.
Lorrain, 107.
Lothians, the heritors of, 122.
Loudon, James, Earl of, 43, 86, 109, 120.
Louthian, Earl of, 155.

Lundie, Heiress of, 190.
Lundie, Rev. James, 5.
Lyon, Mary, 289.
Lyon, Sir Patrick, 80.
Lyon, takes the new oath, 212.
Lyon, Mr Sylvester, 195.
Lyon, Patrick, 293.

M.

M'Alla, Skipper in Leith, 135.
Macbean, Mr Æneas, 237.
M'Cay, Captain, 257.
MacDonald, Sir James, pursued by his wife for an aliment, 151.
Macdonalds, 100.
Macdougal, of Mackerston, 84.
MacEvan, Mr Archibald, 237.
Macfarlane, of Kirkton, 225.
Macfarlane, Laird of, 94.
M'Gie, of Large, 129.
M'Kell, Mr Matthew, 260.
Makenzie, Captain, 49.
Mackenzie, Colon. 95, 197.
M'Kenzie, Major, 278.
M'Kenzie, 22.
Makenzie, Sir George, 70, 126, 160, 161, 172, 175, 189, 201, 228, 247.
Mackenzie, Mr Kenneth, 196.
M'Kenzie, John, 119, 196.
M'Kenzie, Rorie, 143, 196.
M'Intosh, Laird of, 100.
M'Leod, Angus, 126.
M'Leod, Mr Eneas, 207.
M'Pherson, Eneas, 79, 109, 203.
M'Queen, John, curious anecdote of, 32.
Malcome, Alexander, 16.
Malcolm, Mr Alexander, 208.
Malcolm, of Balbeddie, 230.
Majoribanks, Edward, 200.
Majoribanks, John, 200.
Macleland, of Barscob, 81.
Maitland, John, 293.
Maitland, Lord, 83, 172, 178, 214.
Maitland, Sir John, 272.
Marr, Earl of, 7, 172, 180.
Martine, a Nettar, 80.
Martine, Alexander, 107.
Martin, Robert, platter, 131.
Massie, Andrew, 275.
Matherdie, Lord, 190.
Maxwell, of Kirkonell, 197.
Maxwell, Bailie, 126.
Maxwell, of Pollok, 107, 111, 131.
Maxwell, Sir Patrick, 82, 86.
Maxwell, Mr John, 292.
May, 29th, celebrated, 9, 131, 215
Meldrum, Laird of, 23.
Menzies, Advocat, 134.
Menzies, Rev. John, 28.
Menzies, of Weyme, 94.
Melfort, Sec., 66, 85, 147, 173, 175, 176, 190, 195, 201, 203, 222, 227 229, 239.
Melros, an unnatural crime committed at, 17.
Melvell, Lord, 78, 86, 109, 120, 134, 195.
Melvil, Mr Robert, 218.
Merchant Company, Patent of, 101.
Messengers' Fees, 131.
Midleton, Earl of, 42, 103, 216.
Mill, Jaques, 168.
Miller, hanged, 12.
Miln, Alexander, 128.
Miln, Robert, 19.
Miln, Sir Robert, of Barnton, 210.
Ministers, Episcopal, 21.
Ministers, Indulged, 107, 112, 126.
Moncreiff, of Murnipea, 278, 290.
Monmouth, Duchess, 162, 171, 232.
Monmouth, Duke, 31, 58—62, 132, 138, 146, 162.
Monro, Dr Alexander, 152, 169.
Monro, Alexander, 204.
Monro, Commissioner, 152.
Monro, Hangman, deprived, 98.
Monro, Mr, 87.
Monteith, Countess of, 73, 84, 93.
Monteith, Earl of, 79, 93.
Monteith, Robert, 107.
Montgomerie, Mr Ezekiel, 79, 81, 88, 110.
Montgomery, of Lamshaw, 120, 134.
Montgomery, Lord, 249.
Montgomery, of Skelmurlie, 107, 130, 260.
Montrose, Earl of, 94.
Morison, of Boignie, 73,

Morison, Jean, 275.
Mossman, 122.
Mouns Megg, cannon in Edinburgh Castle of that name, burst, 1.
Mowat, Mr John, 289.
Mudie's Mortification, 140, 254.
Mulgrave, Earl of, 30.
Muir, of Caldwell, 111.
Muirhead, of Stevenson, 147.
Mure, of Rowallen, 79.
Murray, of Abercrombie, 253.
Murray, Anna, 274.
Murray, Bailie Charles, 19.
Murray, David, 204.
Murray, Charles, 66, 190.
Murray, condemned, reprieved, 13.
Murray, of Glendoig, 231.
Murray, Lord, 178, 181.
Murray, Sir Patrick, 180.
Murray, Philiphaugh, 102, 106, 131.
Murray, of Pitton, 244.
Murray, Richard, of Brughton, 81.
Mylne, Alexander, 168, 174, 180, 185, 191.
Mylne, of Carrin, 166.
Mylne, Lady, 199.
Mylne, Robert, 66.
Mylne, Sir Robert, 180, 198, 210.

N.

Napier, Lord, 93, 189, 198, 219.
Newark, Lord, 22, n. 63, 173, 180.
Nicolson, of Carnock, 93, 210, 219.
Nicolson, of Tullicutry, 190, 210, 216.
Niven, musician, 249.
Nisbet, of Craignentry, 82, 86.
Nisbet, Sir John, of Dirleton, 275.
Nisbet, Dame Jane, ib.
Nisbet, W. heir of Dirleton, ib.
Nisbet, hanged, 152.
Noble of Ferm, 130.
November 5th, 31, 65, 69.

O.

Oats, Dr, fined, 36, 48.
Ochiltry, 173.
October 14th, King's birth-day, 147.
Ogilvie, of Boyne, 166, 167, 182, 243.
Ogilvy, of Forglen, 129, 187, 200.
Oglethorp, Colonel, 173.
Ogle, Lady, 23.
Ogsten, Alexander, 246.
Orange, Prince of, 241, 242, 265.
Orkney, Bishop of, 130.
Orrock, Mr, 252.
Oxford, Vic., 175.

P.

Panmuire, Lord, 211.
Papelion and Dubois, 42.
Papists, pensioned.
Park, (Hay,) 104.
Parliament-Close, 11. Burnt, 290.
Parliament, sits, 19, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180. Rises, 181.
Pasquill, a, 215.
Paterson, of Banockburn, 144.
Paterson, Bishop of Edinburgh, note, 5, 7, 19, 26, 28, 39, 41, 72, 109, 119, 124, 140, 145, 163, 172, 174, 175, 178, 181, 182, 240, 244, 246, 192, 193, 207, 211, 213, 220.
Paterson, Sir William, 79, 88, 95, 180, 181, 196.
Parson, of Banchore, 229.
Paton, Captain, 35, 89, 92.
Pearson, John, murdered, 113.
Pedden, 127.
Peerage, an action for, 75, 76, 77.
Penn, the Quaker, 258.
Perth, Chancellor, 41, 65, 66, 67, 78, 92, 93, 126, 128, 145, 154, 156, 158, 159, 160, 161, 163, 164, 165, 167, 173, 181, 185, 186, 188, 189, 190, 191, 197, 201, 208, 212, 213, 224, 232, 241, 248, 250, 254, 262.
Perth, Countess of, 64.
Perth, five articles of, 83.
Pills, Anderson's, 222, 237.
Pitcairn, Mr David, 230.
Pittolock Mr, 247.

Plot, powder, 31. Commemorated, 149.
Plot, Ryhous, 30. Prisoners of, 69, 136.
Polworth, Lord, 273.
Pope, 6, 21.
Porterfield, of Duchall, 43, 107, 110, 129, 184.
Portsmouth, Duchess of, 188.
Powis, Earl of, 188.
Powis, Lady, 262.
Presbyterian Declaration, 42.
Preston, Lord, 218, 220.
Primrose, Archibald, of Dalmany, 261.
Prince, Magnus, 236, 262.
Pringle, of Rig, 107.
Pringle, of Howieston, 85.
Pringle, of Torwoodlee, 175.
Proclamation, 21, 91, 123.

Q.

Quakers, 67.
Queen, Catherine, 20.
Queen, Mary, of Scots, 183.
Queen, news of, 243, 244.
Queensbury, Duke of, (Treasurer,) 37, 43, 65, 72, 85, 91, 93, 108, 112, 124, 126, 128, 141, 149, 154, 155, 159, 161, 165, 167, 185, 188, 189, 191, 196, 205, 209, 217, 225, 232, 260, 273, 288.

R.

Rabble, at Edinburgh, 66, 159, 161, 166.
Rae, Colonel Adam, 49.
Rae, John, 83, 129.
Ramsay, Alexander, 16, 163.
Ramsay, Sir Andrew, 159, 244.
Ramsay, Bishop of Ross, 180.
Rany, James, 98, 101, 211, 226, 245.
Reformation, called Rebellion, 220.
Regents of Colleges, motion respecting, 211.
Reid, John, 71.
Reid, the mountebank, 205, 265.
Religion, often changed by the English, 1.
Renwick, Rev. James, 13 n.
Revenue, 19.
Rhynd, Sir James, 226.
Richardson, Mr John, 218.
Richardson, Mr John, 168.
Richardson, Mr Robert, 290.
Richmond, Duke of, 65.
Riddel, of Haining, 125, n.
Riddel, Sir John, 287.
Rob, Mr, 258.
Robertson, George, 275.
Robertson, John, 16.
Robertson, Mr John, 195, 212.
Rochead, Sir James, 79, 92, 114, 157, 217.
Rochead, Sir John, 91.
Roman Catholics, 172.
Ronald, Duncan, 290.
Ross, of Achlossin, 73, 84.
Ross, Mr Arthur, 105.
Ross, Archbishop, 128, 163, 168, 170, 173, 174, 181, 182, 185, 196, 212, 216, 222, 246, 251.
Ross, of Balnagown, 261.
Ross, Bishop of Murray, 237.
Ross, Hugh, 209, 231.
Ross, of Kendeaston, 253.
Ross, of Kindace, 259.
Ross, Lord, 156, 180, 224.
Ross, of Tillisnayt, 126.
Ross, Robert, 288.
Rotchester, Earl of, 66.
Rothes, Duke of, 18.
Row, James, 122.
Row, Mr John, 208.
Roxburgh, Earle, and others, drowned, 10.
Roxburghe, Earl, 84, 85.
Rumbold, the Maltster, 64, 136, 137.

S.

Sangster, hanged, 18.
Schetlander, A, 206.

Scott, Adam, 206.
Scott, Francis, 109.
Scott, of Gallowshiels, 102, 106, 131.
Scott, Mr, 195.
Scott, of Pitlochie, 88, 140, 144.
Scott, Sir William, of Harden, 70, 78, 84, 101.
Scott, Sir William, younger of Harden, 125.
Scrimscor, Mr David, 171.
Scougall, Bishop, of Aberdeen, 23.
Seaton, Captain William, 246.
Seaton, Sir Alexander, of Pittmedden, 24, 161, 167, 172, 190, 208.
Seaton, condemned, 115.
Seaton, William, 120, 214.
Selkirk, monstrous child born at, 48.
Semple, of Cathcart, 124.
Semple, Walter, 110.
Session, Court of, 65, 83, 172, 197, 218, 224, 230, 267.
Session, Lords of, 74, 75, 83, 85, 88, 90, 94, 196, 197, 200, 215, 217, 244, 267, 272, 276.
Setle, Elkena, his poem, 48.
Shaftsbury, Earl of, 17, 27, 62.
Sharp, Sir William, of Scotscraig, 202, 239.
Sharp, Sir William, 81, 155, 157.
Shaw, Anthony, 74.
Shaw of Greenock, 107, 190.
Shiels, Alexander, 140.
Shiels, Field-preacher, 225.
Shiels, Mr, George, 170.
Shiels, Pat, 195, 201.
Shiels, Pat, Vintner, 210.
Skeen, James, 4.
Skeen, of Halyeards, 214.
Skeen, Thomas, 93.
Sibbald, Sir Robert, 64, 147.
Sidney, Algernon, 31.
Sloss, Slain, 167.
Smith, 29.
Smith, Sir James, 42.
Smith, Walter, 17.
Somervill, of Drum, 82, 86, 222.
Spence, Argyle's Servant, 70, 95, 99, 138.
Spence, Mr, 41.
Spence, William, taken, 132.
Spofforth, Samuel, 235, n.
Sprewell, executed, 4.
Stanfield, Sir James, 233, 239.
Stanfield, Philip, 233—236.
St Clair, H. of Larvig, 224.
St Clair, Lord, 182.
St Clair, Sir Robert, 158.
Statue of King Charles II., 48, 129.
Steel, Thomas, 222.
Steil, Informer, 147.
Steuart, Archibald, 4.
Steuart, of Coltness, 120, 131, 177, 217, 262.
Steuart, younger, of Coltness, 138.
Stevenson, 225.
Stewart, James, 215, 362.
Stewart, Sir James, 241.
Stewart, James, son of the Provost, 243.
Stewart, of Ketlestown, 219, 220.
Stewart, Mr Robert, 291.
Stirling Castle, Duke of York at, 8.
Stuart, Thomas, assassinated, 109.
Strachan, John, 160.
Strachan, Mr John, 83.
Straquhan, of Glenkindie, 81, 220.
Straquhan, Dr, 174, 182, 205.
Straquhan, John, 293.
Strathallan, Viscount, 190.
Strathmore, Earl of, 130, 167.
Stewart, James, advocate, 120.
Stewart, James, 57.
Suicides, 27.
Sutherland, Mr James, 212.
Suttie of Balgowan. 212.
Sweden, King of, 24.
Sweet Singers, account of, 10.
Swinton, Mr Alexander, 206.

T.

Tarbat, Register, M'Kenzie. 72, 163, 165, 181, 188, 192, 227.
Tarras, Earl, 102, 106, 119, 122, 131, 177, 189.
Taylor, a, his conduct, 215.
Temple, Mrs Clara, 277.

Test, 21. Imposed on the physicians, 105. Persons exempted from, 150, 156, 200, 206, 210, 215.
Thyne, Squire, 23.
Thomason, Janet, 206.
Thomason, in Holland, 214.
Thomson, Mr William, 203.
Trail, James, 227.
Traquair, Earl, 191.
Treasurer, see Queensberry.
Trotter, Rev. George, suspended, 145.
Trotter, John, 141.
Tubervill, 17.
Turner, Dr Archibald, 15.
Twedale, Earl of, 181, 189, 211.

U.

Udnie, Arthur, 201, 209.
Urquhart, of Meldrum, 104.
Van, Arson, 204.
Van, Somersdyke, 204.
Van, Vatkins, 204.
Vause, John, 201, 209.

W.

Wade, Mr, 63.
Wales, Prince of, born, 258.
Wallace, Hugh, 232.
Wallace, Hugh, 165.
Wallas, Hew, 75.
Wallace, Mr William, 203.
Wallange, of Possill, 225.
Wallwood's, James, 96, 104.
Walsteine, Duke Friedland, 231.
Wardlaw, of Abden, 217.
Wardlaw, George, 218.
Wardlaw, of Pitreve, 217, 218.
Watson, of Aishernie, 188.
Watson, the Popish printer, 193.
Watson, Robert, 288, 290.
Watson, a violer, 132.
Wauchope, of Edmistoun, 27.
Wauchop of Niddry, 199.
Weddel, 127.
Wedderburn, Alexander, 278.
Wedderburn, of Blairhouse, 202.
Wedderburn, of Gosford, 172, 175.
Wedderburn, of Gifford, 264.
Wedderburne, Younger of Blackness, 291.
Wellwood, William, 286.
Welsh, John, 7.
Whigs, 23, 31, 41, 64, 71, 96, 105, 119, 144.
Wigton, Earl, 35.
Wier, of Newton, 71, 86. Son of, ib. Prisoner, 104, 140, 163, 222.
William III., King, 101.
Williamson, David, 245.
Winchester, Bishop of, 63.
Wishart, Mr John, 222.
Wischart, Mr William, 3.
Witch, a woman condemned as one, 260.
Wodrow's History quoted, 4, 6, 7, 11, 12, 29, 30, 113, 145.
Works, M'Kenzie's, a quotation from, 133.
Wright, Edward, 196.

Y.

Yester's, Lady, Kirk, 135, 221.
Yester, Lord, 198.
York, Duke of, 3, 6, 8, 9, 10, 24, 25, 36, 82.
York, Dutches of, 19.
Young, Alexander, Bishop of Ross, 32.
Young, of Linbank, 111.
Young, Sir John, Customs sit to him and others, 97.
Young, Sir John, 199.
Young, Thomas, 205.

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